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Contents

Federal Register

Vol. 90, No. 219

Monday, November 17, 2025

Agriculture Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 51301–51302

Commerce Department

See National Oceanic and Atmospheric Administration

Drug Enforcement Administration

RULES

Schedules of Controlled Substances:
Placement of 4-Chloromethcathinone in Schedule I, 51102–51105

Energy Department

See Federal Energy Regulatory Commission

Environmental Protection Agency

RULES

Approval of State Coal Combustion Residuals Permit Program:
North Dakota, 51168–51181
Emergency Planning and Community Right-to-Know Act
Hazardous Chemical Inventory Reporting Requirements to Conform to the 2024 OSHA Hazard Communication Standard; Technical Amendments, 51187–51205
National Oil and Hazardous Substances Pollution Contingency Plan:
Extension of Transition Period for New Product Schedule Listing, 51181–51187
Pesticide Tolerance; Exemptions, Petitions, Revocations, etc.:
Castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt in pesticide formulations, 51123–51127
Chlorantraniliprole, 51118–51123
Fluazinam, 51115–51118
Oxirane, Methyl-, Polymer with Oxirane, Monobutyl Ether and Oxirane, 2-Methyl, Polymer with Oxirane, Monomethyl Ether in Pesticide Formulations, 51164–51168
Various Fragrance Components in Pesticide Formulations, 51127–51164

PROPOSED RULES

Air Quality State Implementation Plans; Approvals and Promulgations:
New York; Approval of Source-Specific Air Quality Implementation Plan; Calpine JFK Energy Center, 51263–51266
Oklahoma; Updates to the State Implementation Plan for New Source Review Permitting and General SIP Provisions, 51247–51263
Emergency Planning and Community Right-to-Know Act
Hazardous Chemical Inventory Reporting Requirements to Conform to the 2024 OSHA Hazard Communication Standard; Technical Amendment, 51266–51291

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Oil Pollution Act Facility Response Plans, 51311–51312

Determinations of Compliance and Applicability under Clean Air Act:

Formal Responses to Inquiries Concerning Compliance with the Clean Air Act Stationary Source Program (since May 2019), 51312–51315

Federal Aviation Administration

RULES

Airspace Designations and Reporting Points:
Eastern United States; Correction, 51097
Renaming of Restricted Areas; Fort Cavazos, TX, 51098–51100
Vicinity of Keeler, MI; Correction, 51097–51098
Airworthiness Directives:
Airbus SAS Airplanes, 51091–51094
Textron Aviation Inc. (Type Certificate Previously Held by Cessna Aircraft Company) Airplanes, 51094–51097

PROPOSED RULES

Airworthiness Directives:
Airbus SAS Airplanes, 51212–51216, 51218–51225
The Boeing Company Airplanes, 51216–51218, 51225–51230

NOTICES

Cancellation and Replacement of Emergency Order
Establishing Operating Limitations on the Use of Navigable Airspace, 51426–51429

Federal Communications Commission

PROPOSED RULES

2022 Quadrennial Regulatory Review:
Broadcast Ownership Rules and Other Rules Adopted Pursuant to the Telecommunications Act, 51291–51300

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 51315–51316

Federal Deposit Insurance Corporation

NOTICES

Privacy Act; Systems of Records, 51316–51328

Federal Energy Regulatory Commission

NOTICES

Combined Filings, 51305–51310
Environmental Assessments; Availability, etc.:
Public Service Company of Colorado, 51306
Reasonable Period of Time for Water Quality Certification Application:
Town of Wells, NY, 51309
Request for Extension of Time:
WBI Energy Transmission, Inc., 51310

Federal Highway Administration

RULES

Rescinding Regulations Regarding Management Systems
Pertaining to the Bureau of Indian Affairs and the Indian Reservation Roads Program, 51110–51112
Rescinding Regulations Regarding Management Systems
Pertaining to the Forest Service and the Forest Highway Program, 51109–51110

Rescinding Regulations Regarding Management Systems
Pertaining to the National Park Service and the Park
Roads and Parkways Program, 51107–51109

Rescinding Requirements Regarding the Forest Highway
Program, 51105–51107

NOTICES

Final Federal Agency Action:

Proposed Transportation Project in California, 51429–
51430

Federal Motor Carrier Safety Administration

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:

Crash Risks by Commercial Motor Vehicle Driver
Schedules, 51434–51435

Lease and Interchange of Vehicles, 51435–51436

Unified Registration System, FMCSA Registration/
Updates, 51436–51438

Exemption Application:

Parts and Accessories Necessary for Safe Operation; Grote
Industries, LLC, 51430–51432

Parts and Accessories Necessary for Safe Operation;
National Tank Truck Carriers, Inc., 51432–51434

Federal Reserve System

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 51328–51329, 51354–
51356

Expanding Fedwire Funds Service and National Settlement
Service Operating Hours, 51356–51368

Revisions to the Large Financial Institution Rating System
and Framework for the Supervision of Insurance
Organizations, 51329–51354

Financial Crimes Enforcement Network

PROPOSED RULES

Special Measure Regarding Transactions Involving Ten
Mexican Gambling Establishments as a Class of
Transactions of Primary Money Laundering Concern,
51234–51247

Food and Drug Administration

NOTICES

Guidance:

Considerations for Waiver Requests for pH Adjusters in
Generic Drug Products Intended for Parenteral,
Ophthalmic, or Otic Use, 51373–51374

Expanded Access to Investigational Drugs for Treatment
Use: Questions and Answers, 51369–51371

Menstrual Products—Performance Testing and Labeling
Recommendations, 51371–51373

Quality Management System Information for Certain
Premarket Submission Reviews, 51374–51376

Foreign Assets Control Office

NOTICES

Sanctions Action, 51441–51443

Gulf Coast Ecosystem Restoration Council

NOTICES

Performance Review Board Members, 51369

Proposed Subaward under a Council-Selected Restoration
Component Award, 51368–51369

Health and Human Services Department

See Food and Drug Administration

Homeland Security Department

See U.S. Customs and Border Protection

RULES

Automation of CBP Form for Vessels, 51081–51091

NOTICES

Agreement Between the Government of the United States of
America and the Government of the Republic of
Ecuador Relating to the Transfer of Third-Country
Nationals to Ecuador, 51376–51386

Interior Department

See Land Management Bureau

See National Park Service

See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service

NOTICES

Quarterly Publication of Individuals, Who Have Chosen to
Expatriate, 51443–51465

International Trade Commission

NOTICES

Complaint, 51406–51408

Justice Department

See Drug Enforcement Administration

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:

Application and Permit to Import Firearms, Ammunition,
and Defense Articles, 51408–51409

Certification of Qualifying State Relief from Disabilities
Program, 51410–51411

User Access Request Form for EPIC System Portal,
51409–51410

Proposed Consent Decree:

CERCLA, 51408

Land Management Bureau

RULES

Rescission of the Management and Protection of the
National Petroleum Reserve in Alaska Regulations,
issued May 7, 2024, 51470–51500

National Credit Union Administration

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 51411

National Highway Traffic Safety Administration

NOTICES

Petition for Decision of Inconsequential Noncompliance:
PT. Multistrada Arah Sarana Tbk; Denial, 51438–51439

National Oceanic and Atmospheric Administration

RULES

Fisheries off West Coast States:

Modification of the West Coast Salmon Fisheries;
Inseason Actions No. 6—No. 8, 51205–51207

NOTICES

Hearings, Meetings, Proceedings, etc.:

Mid-Atlantic Fishery Management Council, 51304

New England Fishery Management Council, 51302

North Pacific Fishery Management Council, 51303–51304

National Park Service

NOTICES

Inventory Completion:

Bixby Memorial Free Library, Vergennes, VT, 51400–
51401

Heard Museum, Phoenix, AZ, 51394–51395
 Museum of Us, San Diego, CA, 51394
 Temple University, Philadelphia, PA, 51393–51394
 Tennessee Department of Environment and Conservation,
 Division of Archaeology, Nashville, TN, 51386–51390
 U.S. Army Corps of Engineers, San Francisco District,
 San Francisco, CA, 51390–51392
 U.S. Department of the Interior, Bureau of Indian Affairs,
 Washington, DC, and Museum of Northern Arizona,
 Flagstaff, AZ, 51397–51398
 Utah Field House of Natural History State Park Museum,
 Vernal, UT, 51398–51399
 West Virginia Department of Tourism, Charleston, WV,
 51399

National Register of Historic Places:

Pending Nominations and Related Actions, 51390,
 51395–51397

Repatriation of Cultural Items:

Gilcrease Museum, Tulsa, OK, 51405–51406
 New York State Museum, Albany, NY, 51396
 Sonoma State University, Rohnert Park, CA, 51392–51393
 Tennessee Department of Environment and Conservation,
 Division of Archaeology, Nashville, TN, 51401–51402
 U.S. Army Corps of Engineers, San Francisco District,
 San Francisco, CA, 51402–51404
 U.S. Army Corps of Engineers, San Francisco District,
 San Francisco, CA, and University of California
 Riverside, Riverside, CA, 51405
 U.S. Department of the Interior, National Park Service,
 Chaco Culture National Historical Park, Nageezi, NM,
 51399–51400

Nuclear Energy Office, Energy Department

PROPOSED RULES

Implementing Voluntary Agreements under the Defense
 Production Act, 51208–51212

Nuclear Regulatory Commission

NOTICES

Environmental Impact Statements; Availability, etc.:
 TRISO-X, LLC; Special Nuclear Material License
 Application for the TRISO-X Fuel Fabrication
 Facility, 51412

Personnel Management Office

NOTICES

Performance Review Board Members, 51413

Postal Regulatory Commission

NOTICES

New Postal Products, 51413–51414

Privacy and Civil Liberties Oversight Board

NOTICES

Hearings, Meetings, Proceedings, etc.:
 Public Forum, 51414

Railroad Retirement Board

NOTICES

2026 Railroad Experience Rating Proclamations, Monthly
 Compensation Base and Other Determinations, 51414–
 51416

Securities and Exchange Commission

NOTICES

Meetings; Sunshine Act, 51423–51424

Order:

Paxos Securities Settlement Co., LLC, 51416–51418

Temporary Exemptive Relief, 51418–51420
 Self-Regulatory Organizations; Proposed Rule Changes:
 Boston Stock Exchange Clearing Corp., Cboe Exchange,
 Inc., Cboe BZX Exchange, Inc. et al., 51424–51426
 Cboe BZX Exchange, Inc., 51420–51423

Small Business Administration

NOTICES

Disaster Declaration:
 Florida, 51426

Surface Mining Reclamation and Enforcement Office

RULES

Ohio Regulatory Program, 51112–51115

PROPOSED RULES

Kentucky Regulatory Program, 51232–51234

Transportation Department

See Federal Aviation Administration

See Federal Highway Administration

See Federal Motor Carrier Safety Administration

See National Highway Traffic Safety Administration

See Transportation Statistics Bureau

PROPOSED RULES

Airline Passenger Rights, 51230–51232

NOTICES

Hearings, Meetings, Proceedings, etc.:

U.S. Merchant Marine Academy Board of Visitors;
 Correction, 51440

Performance Review Board Members; Correction, 51439–
 51440

Transportation Statistics Bureau

NOTICES

Agency Information Collection Activities; Proposals,
 Submissions, and Approvals:
 Passenger Origin-Destination Survey Report, 51440–
 51441

Treasury Department

See Financial Crimes Enforcement Network

See Foreign Assets Control Office

See Internal Revenue Service

U.S. Customs and Border Protection

RULES

Automation of CBP Form for Vessels, 51081–51091

List of User Fee Airports:

Addition of Five Airports, Removal of One Airport,
 51100–51102

U.S. International Development Finance Corporation

NOTICES

Hearings, Meetings, Proceedings, etc., 51304

Unified Carrier Registration Plan

NOTICES

Meetings; Sunshine Act, 51465–51466

Veterans Affairs Department

NOTICES

Hearings, Meetings, Proceedings, etc.:

VA National Academic Affiliations Council, 51466–51467

Separate Parts In This Issue

Part II

Interior Department, Land Management Bureau, 51470–
 51500

Reader Aids

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

8 CFR

251 51081
258 51081

10 CFR**Proposed Rules:**

821 51208

14 CFR

39 (2 documents) 51091,
51094
71 (2 documents) 51097
73 51098

Proposed Rules:

Ch. II 51230
39 (6 documents) 51212,
51216, 51218, 51222, 51225,
51227

19 CFR

4 51081
122 51100

21 CFR

1308 51102

23 CFR

660 51105
970 51107
971 51109
973 51110

30 CFR

935 51112

Proposed Rules:

917 51232

31 CFR**Proposed Rules:**

1010 51234

40 CFR

180 (5 documents) 51115,
51118, 51123, 51127, 51164
257 51168
300 51181
370 51187

Proposed Rules:

52 (2 documents) 51247,
51263
370 51266

43 CFR

2360 51470

47 CFR**Proposed Rules:**

73 51291

50 CFR

660 51205

Rules and Regulations

Federal Register

Vol. 90, No. 219

Monday, November 17, 2025

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

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DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 251 and 258

U.S. Customs and Border Protection

19 CFR Part 4

[Docket No. USCBP–2021–0046; CBP Dec. No. 2X–XX]

RIN 1651–AB18

Automation of CBP Form I–418 for Vessels

AGENCY: U.S. Customs and Border Protection, DHS.

ACTION: Final rule.

SUMMARY: This rule adopts as final, without change, interim amendments to title 8 and title 19 of the Code of Federal Regulations published in the **Federal Register** on December 28, 2021, that require commercial vessel operators to electronically submit the data elements of Form I–418 to U.S. Customs and Border Protection (CBP) in lieu of submitting a paper form. This electronic submission streamlines vessel arrival and departure processes by eliminating redundant data submissions, simplifying vessel inspections, and automating recordkeeping.

DATES: This rule is effective November 17, 2025.

FOR FURTHER INFORMATION CONTACT: For title 8 of the Code of Federal Regulations inquiries, contact Stephen Dearborn, Enforcement Programs Division, Admissibility and Passenger Programs, Office of Field Operations, Stephen.M.Dearborn@cbp.dhs.gov or (443) 765–9751; for title 19 of the Code of Federal Regulations inquiries, contact Brian Sale, Manifest and Security Division, Cargo and Conveyance Security, Office of Field Operations, Brian.A.Sale@cbp.dhs.gov or (202) 325–3338.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Homeland Security (DHS), including U.S. Customs and Border Protection (CBP) and U.S. Coast Guard (USCG), regulations require commercial vessels and their operators¹ to meet several data submission requirements when arriving in the United States from a foreign place or outlying possession of the United States and when departing the United States for a foreign place or outlying possession of the United States. Both CBP and the USCG collect information in these contexts, and many of the data elements that the two agencies collect overlap.² While some of this data must be submitted electronically, CBP previously required certain data to be submitted on paper, such as the Form I–418, Passenger List—Crew List (Form I–418). DHS and CBP amended the applicable regulations in an interim final rule (IFR) published on December 28, 2021 (86 FR 73618). The interim regulations require commercial vessel operators to submit the data elements of Form I–418 electronically, instead of in a paper format, in an effort to streamline the vessel arrival and departure processes, simplify vessel inspections, and automate recordkeeping for Form I–418.

II. Adoption of the Interim Final Rule

Although the interim regulations were promulgated as a procedural rule, and thus exempt from prior notice and comment requirements, CBP provided the public with the opportunity to comment on the rule and stated that CBP would consider the comments before adopting the interim regulations as a final rule. 86 FR 73624. The prescribed comment period closed on February 28, 2022, sixty days after the

¹ For the purposes of this document, “operators” include masters or commanding officers, or authorized agents, owners, or consignees.

² The USCG requires commercial vessel operators to submit either a Notice of Arrival (NOA) or Notice of Departure (NOD) to the National Vessel Movement Center (NVMC) through its electronic Notice of Arrival/Departure (eNOA/D) system or via email in advance of U.S. arrival or departure. See 33 CFR 160.201–160.216. In addition to other data elements, each NOA/NOD must include information on the crew and passengers on board the vessel. See 33 CFR 160.206(a). Upon satisfactory submission, USCG processes the information via the eNOA/D web portal and then the system automatically transmits it to CBP as an Advance Passenger Information System (APIS) manifest for arrivals. An APIS manifest is a CBP pre-arrival requirement. See 8 CFR 231.1(a) and 19 CFR 4.7b.

IFR published in the **Federal Register**. No comments were received in response to the solicitation of public comments.

Accordingly, CBP has decided to adopt the IFR published at 86 FR 73618 on December 28, 2021, without change.

III. Statutory and Regulatory Reviews

A. Executive Orders 12866, 13563, and 14192

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14192 (Unleashing Prosperity Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that “any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.”

The Office of Management and Budget (OMB) has not designated this rule a “significant regulatory action,” under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it.

This final rule is considered a deregulatory action under Executive Order 14192. We estimate that this rule generates \$18.4 million in net annualized cost savings at a 7% discount rate, discounted relative to year 2024, over a perpetual time horizon.

1. Purpose of Rule

Current statutes and regulations require commercial vessels and their operators³ to meet several data submission requirements for arrival at and departure from a U.S. port of entry (POE). The U.S. Coast Guard (USCG) requires commercial vessel operators to submit a Notice of Arrival (NOA) to the

³ For the purposes of this document, commercial vessels include cargo vessels, cruise ships, and other vessels used for commercial purposes. For the purposes of this analysis, “operators” include masters or commanding officers, or authorized agents, owners, or consignees.

agency's National Vessel Movement Center (NVMC) ⁴ through its electronic Notice of Arrival/Departure (eNOA/D) system or via email in advance of U.S. arrival.⁵ Each NOA must include arriving vessel, voyage, cargo, crew, longshore work, passenger, operational equipment condition, international safety management status, and cargo declaration information.⁶ Upon satisfactory submission, USCG processes the information via the eNOA/D web portal and then the system automatically transmits it to CBP as an Advance Passenger Information System (APIS) manifest.⁷ An APIS manifest is a CBP pre-arrival data submission requirement.⁸ CBP uses this electronic manifest to assess arrivals for security risks and to prepare for inspections.

Prior to the implementation of the interim final rule (IFR), CBP generally required commercial vessel operators to submit paper copies of their manifest using Form I-418 at their time of arrival at a U.S. POE in addition to providing manifest data electronically prior to arrival.⁹ CBP mainly used the paper Form I-418 for crew and passenger admissibility inspections and processing. Cruise ship operators arriving at some POEs could submit just the two signature pages of their paper Form I-418 ¹⁰ and a compact disk (CD) of their passenger and crew manifest in lieu of submitting numerous pages of manifest data by paper to CBP.¹¹ If a

manifest has changed during coastwise movement, commercial vessel operators must update their APIS manifest electronically through the eNOA/D system. A CBP officer at the coastwise port would typically update the vessel's original paper Form I-418 with any changes. To comply with some customs regulations, commercial vessel operators could also submit Form I-418 with CBP Form 5129: Crew Member's Declaration in lieu of submitting a Crew's Effects Declaration on CBP Form 1304 per 19 CFR 4.7a. However, CBP generally collects Form 1304 instead to meet the requirements of 19 CFR 4.7.¹²

Upon departure from the United States, USCG requires commercial vessel operators to submit updated manifest information via a Notice of Departure (NOD) to the NVMC through eNOA/D or another electronic format.¹³ Also at the time of departure, CBP requires these commercial vessel operators to update their APIS manifest electronically through the eNOA/D system and update their original paper Form I-418 submission to include a list of departing crew, crew changes, and trip departure details.¹⁴ In general, commercial vessel operators would then submit the completed Form I-418 or signature pages to CBP upon departure from the United States.¹⁵ A CBP officer at the port of departure typically verifies any changes to the Form I-418 information and sends this departure form, typically via fax or mail, to the first port of arrival for final data reconciliation and recordkeeping purposes.

Despite similarities in the vessel arrival and departure data submitted according to Form I-418, APIS, and eNOA/D requirements, regulations prior to the promulgation of the IFR did not allow data to be transmitted electronically, such as through APIS, eNOA/D, or email, to satisfy Form I-418's paper passenger and crew list submission requirement.¹⁶ In fact, failure to submit Form I-418 in paper format could have resulted in fines and penalties. To reduce redundant data submissions and to ease burdens on

commercial vessel operators and the agency itself, CBP launched the I-418 Automation test program in 2011. This test allowed for the automated, electronic submission of the data elements on Form I-418 from test participants using manifest data previously submitted electronically to the NVMC through eNOA/D, APIS, or other means. Based on the successful operation of the test, CBP established the automated, electronic Form I-418 data submission process through interim regulation.

Through the IFR, DHS and CBP amended the regulations under 8 CFR part 251, 8 CFR part 258, and 19 CFR part 4 to require the electronic submission of the data elements required from commercial vessel operators on Form I-418 in lieu of paper form submissions. CBP generally no longer requires the paper Form I-418. The interim regulations, which CBP finalizes with this final rule, require commercial vessel operators to electronically submit the data elements required on Form I-418 via an electronic data interchange system (EDI) approved by CBP. CBP continues to use the eNOA/D system as the approved EDI. Under this process, the appropriate CBP systems compile eNOA/D, APIS, and any other electronic manifest data submitted by commercial vessel operators prior to arrival and at departure into a passenger and crew list format reflective of an electronic Form I-418.¹⁷ The information already collected through eNOA/D satisfies the required data elements for populating the electronic version of the Form I-418 for CBP's purposes. The act of electronically submitting the data elements required on Form I-418 also constitutes the (vessel) Master's certification that the manifest information is accurate and that the master or operator has taken or will take certain required actions,¹⁸ and eliminates the need to generally collect certification signatures on Form I-418 by vessel masters (or operators) and CBP

⁴ USCG established the NVMC in 2001 to operate as a single clearinghouse for the submission and processing of notice of arrival and departure information for vessels entering and departing U.S. ports and facilities.

⁵ See 33 CFR 160.201–160.216. When a vessel operator is in an area without internet access or experiences technical difficulties, and he or she has no shore-side support available, the vessel operator may fax or phone the submission to the NVMC.

⁶ See 33 CFR 160.206(a).

⁷ See 70 FR 17820 (Apr. 7, 2005).

⁸ See 8 CFR 231.1(a) and 19 CFR 4.7b.

⁹ 86 FR 73618 (Dec. 28, 2021). Prior to the February 28, 2022 effective date of the IFR, 8 CFR 251.1 and 8 CFR 251.5 specified that “the master or commanding officer, or authorized agent, owner, or consignee, of a commercial vessel or commercial aircraft arriving in or departing from the United States must submit arrival and departure manifests in a paper format in accordance with §§ 251.1, 251.3, and 251.4.”

¹⁰ These two signature pages included the Form I-418 pages containing the CBP “Receipt for Crew List” and the CBP “Certification of Copy of Crew List of United States Flag Vessel.”

¹¹ Cruise ships often have thousands of passengers and crewmembers, which cruise ship operators must account for on the Form I-418. To avoid submitting numerous pages listing these passengers and crewmembers, with CBP approval, cruise ship operators at some POEs submitted a CD of their passenger and crew manifest to CBP along with the two paper signature pages constituting the remainder of the Form I-418 as well as any applicable Form I-418 supporting documentation. Other cruise ship operators submitted the manifest

CD as well as the full paper manifest, despite being granted a waiver from doing so. Information provided by CBP Office of Field Operations subject matter experts on October 7, 2020.

¹² Information provided by CBP Office of Field Operations subject matter experts on October 23, 2018.

¹³ See 33 CFR 160.201–160.216.

¹⁴ See 8 CFR 251.3.

¹⁵ Upon departure from the United States, cruise ship operators generally must submit at least the completed two signature pages of their paper Form I-418 as well as an updated manifest, which can be provided on a CD.

¹⁶ See 8 CFR 251.5.

¹⁷ The embark date required on Form I-418 is transmitted to CBP via eNOA/D. The disembark date/date separated (*i.e.*, the date when a crewmember permanently departs the vessel) is calculated by the appropriate CBP systems. This rule does not change this practice.

¹⁸ This includes certifying that CBP baggage declaration requirements have been made known to incoming passengers; that any required CBP baggage declarations have been or will simultaneously be filed as required by law and regulation with the proper CBP officer; that the responsibilities of the commercial vessel operator have been or will be done as required by law or regulation before the proper CBP officer; and that there are no steerage passengers on board the vessel.

officers.¹⁹ CBP also retains its authority to require paper Form I-418 submissions in the event of certain technical difficulties, such as system outages and disruptions, that make it impossible to submit or receive manifest data electronically, and according to CBP discretion.²⁰ This rulemaking has streamlined vessel arrival and departure processes by eliminating redundant data submissions, simplifying vessel inspections, and automating recordkeeping.

2. Population Affected by I-418 Automation Test Program and Rulemaking

The I-418 Automation rulemaking affects commercial vessel operators and CBP, but at different magnitudes according to the arriving vessel type and I-418 Automation test program participation. To determine the extent of the population affected by this rulemaking, CBP relies on historical

commercial vessel arrival/departure and test participation data.

From the I-418 Automation test program's launch in FY 2011 to FY 2021, a total of about 924,000 commercial vessels entered U.S. waters from a foreign port or place, including nearly 837,000 cargo and non-cargo vessels (e.g., tugboats) and 87,000 cruise ships. Of the total arrivals, approximately 111,000 corresponded to cargo and non-cargo vessels participating in the I-418 Automation test program and an estimated 49,000 corresponded to cruise ships participating in the test program.²¹ Only a portion of these participants took full advantage of the test program's attributes. According to field interviews, the majority of commercial vessel operators participating in the I-418 Automation test program continued to provide a paper Form I-418 upon arrival/departure despite having submitted the data elements required on Form I-418 electronically to ensure full

compliance with DHS and CBP regulations.²² For the purposes of this analysis, CBP refers to these commercial vessel operators as those who partially participated in the I-418 Automation test program. Without exact figures on test participant arrivals/departures corresponding to commercial vessel operators who only partially participated in the program, CBP estimates that 50 percent of the test participant arrivals/departures and Form I-418 submissions corresponded to commercial vessel operators who fully participated in the test program, while the remainder corresponded to those who only partially participated (see Table 1 and Table 2).²³ Table 1 and Table 2 together summarize the historical U.S. arrival and departure statistics for commercial vessels according to I-418 Automation test program participation. CBP assumes that each of the arrivals shown in Table 1 and Table 2 coincided with a Form I-418 submission and vessel departure.

TABLE 1—HISTORICAL CRUISE SHIP ARRIVALS AND DEPARTURES

Fiscal year	Non-former I-418 automation test program participants	Former I-418 automation test program participants			Regulatory program	All cruise ships
		Vessels fully participating in test	Vessels partially participating in test	Test program participant total	Vessel arrivals/departures	Vessel arrivals/departures
2011	3,656	2,327	2,327	4,654	.....	8,310
2012	3,651	2,323	2,323	4,646	.....	8,297
2013	3,706	2,359	2,359	4,718	.....	8,424
2014	3,930	2,501	2,501	5,002	.....	8,932
2015	3,957	2,519	2,519	5,038	.....	8,995
2016	3,857	2,455	2,455	4,910	.....	8,767
2017	3,985	2,536	2,536	5,072	.....	9,057
2018	4,088	2,602	2,602	5,204	.....	9,292
2019	4,385	2,791	2,791	5,582	.....	9,967
2020	1,991	1,267	1,267	2,534	.....	4,525
2021	1,018	648	648	1,296	.....	2,314
2022 ¹ .....	.....	.....	.....	.....	10,884	10,884
2023 .....	.....	.....	.....	.....	12,438	12,438
2024 .....	.....	.....	.....	.....	13,402	13,402

¹⁹ CBP officer signatures are generally dictated on the form as a unique receipt number tied to the officer. For the purposes of this analysis, CBP refers to these receipt numbers as signatures.

²⁰ The IFR describes particular exceptions to the electronic submission requirement. 86 FR 73623. In particular, CBP retains its authority to require paper submissions in the event the master or agent of the vessel is unable to electronically submit the data elements required on Form I-418 via an EDI approved by CBP due to technical issues, such as when the onboard computer system is malfunctioning or there is no internet access, and there is no shore-side support available; CBP is experiencing technical difficulties affecting its receipt or processing of electronically submitted information; or where CBP, in its discretion, determines that a paper Form I-418 is acceptable under the circumstances presented by the master or agent of a vessel.

²¹ The I-418 Automation test program was available to commercial vessels, including cruise ships, on a port-by-port basis. Data on cruise ship participation in the I-418 Automation test program at all POEs nationwide is not readily available; however, test program participation information at many large POEs is available. Given such data limitations, CBP estimated that the historical percentage of cruise ship arrivals/departures not participating in the I-418 Automation test program is equal to the share of FY 2015 to FY 2019 cruise ship arrivals/departures occurring at U.S. sea POEs known not to offer the program. Accordingly, CBP estimates that 44 percent of cruise ship arrivals/departures from FY 2011 to FY 2021 correspond to cruise ships not participating in the I-418 Automation test program, while the remaining 56 percent of cruise ship arrivals/departures correspond to cruise ships participating in the I-418 Automation test program. Information

regarding POEs offering I-418 Automation test program to cruise ships provided by CBP Office of Field Operations subject matter experts on November 13, 2020; and November 16, 2020; and data from internal databases gathered on November 17, 2020.

²² Although the I-418 Automation test program allowed participating commercial vessel operators to transmit required I-418 data through existing eNOA/D and APIS data submissions rather than by the paper Form I-418, certain test participants insisted on submitting paper Form I-418s to ensure full compliance with DHS and CBP regulations. Information provided by CBP Office of Field Operations subject matter experts on February 23, 2016.

²³ Information provided by CBP Office of Field Operations subject matter experts on February 23, 2016; November 13, 2020; and November 6, 2020.

TABLE 1—HISTORICAL CRUISE SHIP ARRIVALS AND DEPARTURES—Continued

Fiscal year	Non-former I-418 automation test program participants	Former I-418 automation test program participants			Regulatory program	All cruise ships
		Vessels fully participating in test	Vessels partially participating in test	Test program participant total		
Total, 2011–2021	38,224	24,328	24,328	48,656	0	86,880
Total, 2022–2024	0	0	0	0	36,724	36,724

¹ The I-418 Automation test program was ended by the IFR, which became effective on February 28, 2022. As the rule was in effect for more than half of FY 2022, this analysis considers FY 2022 as being part of the rule and not part of the I-418 Automation test program period.

² CBP assumes that one I-418 was submitted per vessel arrival. Form I-418s submitted in both electronic and paper format are only counted as one form submission.

³ Estimates may not sum due to rounding.

⁴ Source: Data pulled from ACE Reports on October 28, 2024, and estimates for full and partial test participation rates provided by CBP Office of Field Operations subject matter experts on February 23, 2016; November 6, 2020; and November 13, 2020.

TABLE 2—HISTORICAL CARGO AND NON-CARGO VESSEL ARRIVALS AND DEPARTURES

Fiscal year	Non-former I-418 automation test program participants	Former I-418 automation test program participants			Regulatory program	All cargo and non-cargo vessels
		Vessels fully participating in test	Vessels partially participating in test	Test program participant total		
2011	80,426	570	570	1,140	.....	81,566
2012	67,443	5,683	5,682	11,365	.....	78,808
2013	65,152	5,721	5,721	11,442	.....	76,594
2014	66,607	5,247	5,246	10,493	.....	77,100
2015	69,034	4,555	4,554	9,109	.....	78,143
2016	63,909	5,756	5,755	11,511	.....	75,420
2017	62,611	5,674	5,674	11,348	.....	73,959
2018	65,866	5,792	5,791	11,583	.....	77,449
2019	63,893	5,744	5,743	11,487	.....	75,380
2020	59,654	5,631	5,631	11,262	.....	70,916
2021	61,344	4,993	4,993	9,986	.....	71,330
2022 ¹ .....	.....	.....	.....	.....	70,183	70,183
2023 .....	.....	.....	.....	.....	70,109	70,109
2024 .....	.....	.....	.....	.....	71,009	71,009
Total, 2011–2021	725,939	55,366	55,360	110,726	0	836,665
Total, 2022–2024	0	0	0	0	211,471	211,471

¹ The I-418 Automation test program was ended by the IFR, which became effective on February 28, 2022. As the rule was in effect for more than half of FY 2022, this analysis considers FY 2022 as being part of the rule and not part of the I-418 Automation test program period.

² CBP assumes that one I-418 was submitted per vessel arrival. Form I-418s submitted in both electronic and paper format are only counted as one form submission.

³ Estimates may not sum due to rounding.

⁴ Source: Data pulled from ACE Reports on October 28, 2024. Estimates for full and partial test participation rates from CBP Office of Field Operations subject matter experts on February 23, 2016; November 6, 2020; November 13, 2020, and February 17, 2023.

From FY 2015 to FY 2019, cargo and non-cargo vessel arrivals/departures of I-418 Automation test program participants grew at a compound annual rate of 6.0 percent while non-participant cargo and non-cargo vessel arrivals/departures declined at a compound annual rate of 1.9 percent (see Table 2). During the same period, participant and non-participant cruise ship arrivals/departures both grew at a compound annual rate of 2.6 percent (see Table 1). In the future, CBP projects that

commercial vessel arrivals/departures will remain consistent with their more conservative historical trends prior to the COVID-19 pandemic beginning in 2020 and ending in 2023. Accordingly, CBP estimates that future cargo and non-cargo vessel arrivals/departures of I-418 Automation test program participants will increase at a rate of 6.0 percent per year, non-participant cargo and non-cargo vessel arrivals/departures will decrease at a rate of 1.9 percent per year, and all cruise ship arrivals/

departures will increase at a rate of 2.6 percent per year from their FY 2019 values for FY 2025 and FY 2026.²⁴ CBP

²⁴ Based on historical commercial vessel data and future commercial vessel demand outlooks. For future looking cargo and non-cargo vessel outlook information at the time of the IFR, see United Nations Conf. on Trade & Dev. (UNCTAD), *COVID-19 and Maritime Transport Impact and Responses*, Transp. & Trade Facilitation, Series No. 15 (2021), https://unctad.org/system/files/official-document/dtlb2021d1_en.pdf; World Bank, *Global Economic Prospects*, June 2021, ch. 1, <https://openknowledge.worldbank.org/bitstream/handle/10986/35647/9781464816659-ch01.pdf>; Moody's Investors

believes that these projections best represent the normal, recent growth of commercial vessel arrivals/departures while still accounting for the economic and travel slowdowns due to the COVID-19 pandemic and subsequent recovery. CBP did not use data from FY 2020 to FY 2024 as a basis for future growth because these years exhibit abnormal growth rates (both positive and negative) in vessel arrivals/departures due to the COVID-19 pandemic and subsequent recovery. However, CBP recognizes the uncertainty in this assumption and that the rate of economic recovery from the COVID-19 pandemic depends on many factors, including how quickly businesses can recover, rates of infection, and global supply chains. CBP does not believe that this rulemaking directly affects the volume of commercial vessel arrivals/departures, and thus predicts that the projected arrivals/departures will be the same with and without the implementation of this rulemaking (*i.e.*, the pre-test program baseline).

To estimate future commercial vessel arrivals/departures with and without this rulemaking, CBP first applies the projected growth rates for cargo and non-cargo vessel arrivals/departures of I-418 Automation test program

participants and non-participants (6.0 percent and -1.9 percent, respectively) and cruise ship arrivals/departures (2.6 percent for both participants and non-participants) to their respective FY 2019 values (see Table 1 and Table 2). CBP then projects the estimates forward for FY 2025 and FY 2026 while relying on historical data for FYs 2022 through 2024. When making such projections, CBP presumes that the I-418 Automation test program would have continued to exist during the period of analysis in the absence of any rulemaking to automate the Form I-418 process. In contrast, the test program transitioned into a regulatory program in which all commercial vessel operators participate in an automated I-418 process upon implementation of the IFR.

As previously stated, CBP does not believe this rulemaking directly affects the volume of commercial vessel arrivals/departures, and thus predicts that future commercial vessel arrivals/departures will be the same with and without this rule's implementation (*i.e.*, the baseline). As Table 3 and Table 4 show, CBP estimates that almost 416,000 commercial vessel arrivals/departures will occur between FY 2022 and FY 2026, including 352,000 cargo and non-cargo vessel arrivals/departures

and 65,000 cruise ship arrivals/departures. Nearly 87,000 (21 percent) of these arrivals/departures correspond to former (or ongoing in the absence of this rule) I-418 Automation test program participants, while the remaining 329,000 (79 percent) would have corresponded to non-former I-418 Automation test program participants (or non-test participants in the absence of this rule). Of the arrivals/departures of former (or ongoing) I-418 Automation test program participants, CBP estimates that 50 percent would have corresponded to participants who fully participated in the test program and the remainder would have corresponded to participants who only partially participated (see Table 3 and Table 4). Under the baseline, non-I-418 Automation test program participants and approximately 50 percent of test program participants would have continued to submit paper Form I-418s with each projected arrival/departure, while the remaining test participants would have submitted only automated versions of Form I-418 with each future arrival/departure. Alternatively, with the rule, each arrival/departure results in an automated Form I-418 submission.

TABLE 3—PROJECTED CRUISE SHIP I-418 TEST PARTICIPATION

Fiscal year	Non-former I-418 automation test program participants		Former I-418 automation test program participants				All cruise ships
	Growth in vessel arrivals/departures (%)	Vessel arrivals/departures	Growth in vessel arrivals/departures (%)	Vessel arrivals/departures of participants fully participating in test	Vessel arrivals/departures of participants partially participating in test	Total vessel arrivals/departures	Vessel arrivals/departures
2022 ¹ .....	.....	4,789	.....	3,048	3,047	6,095	10,884
2023 ¹ .....	.....	5,473	.....	3,483	3,482	6,965	12,438
2024 ¹ .....	.....	5,897	.....	3,753	3,752	7,505	13,402
2025	2.6	6,050	2.6	3,850	3,850	7,700	13,750
2026	2.6	6,207	2.6	3,950	3,950	7,900	14,107
Total, 2022–2026 .....	.....	28,416	.....	18,084	18,081	36,165	64,581

¹ Historical total arrivals/departures assuming unchanged average test participation rate from '15–'21. Projections used for '22–'24 due to a lack of data in those years.

² Estimates may not sum to total due to rounding.

Service, Outlook for US public ports revised to stable on strengthening economic activity, improving cargo volumes" (2020), http://www.moody.com/researchdocumentcontent/page.aspx?docid=PBC_1247050; Friedemann Ohse. "Will 2021 bring about recovery for the global maritime industry?" *OceanInsights*, September 30,

2020. Available at https://www.ocean-insights.com/business-news/will-2021-bring-about-recovery-for-the-global-maritime-industry/?cli_action=1602257398.7141/8. For future looking cruise ship outlook information at the time of the IFR, see Monique Giese, *COVID-19 Impacts on Cruise Industry*, KPMG (July 23, 2020), [https://](https://home.kpmg/xx/en/blogs/home/posts/2020/07/covid-19-impacts-on-global-cruise-industry.html)

home.kpmg/xx/en/blogs/home/posts/2020/07/covid-19-impacts-on-global-cruise-industry.html. (last accessed Oct. 23, 2020); Shannon McMahon, *5 takeaways from the cruise industry's report on a return to sailing*, Wash. Post (Sept. 21, 2020), <https://www.washingtonpost.com/travel/2020/09/21/cruise-return-report-covid-19/>.

TABLE 4—PROJECTED CARGO AND NON-CARGO VESSEL I-418 TEST PARTICIPATION

Fiscal year	Non-former I-418 automation test program participants		Former I-418 automation test program participants				All cargo and non-cargo vessels
	Growth in vessel arrivals/departures (%)	Vessel arrivals/departures	Growth in vessel arrivals/departures (%)	Vessel arrivals/departures of participants fully participating in test	Vessel arrivals/departures of participants partially participating in test	Total vessel arrivals/departures	
2022 ¹ .....	.....	60,357	.....	4,913	4,913	9,826	70,183
2023 ¹ .....	.....	60,440	.....	4,920	4,919	9,839	70,279
2024 ¹ .....	.....	61,068	.....	4,971	4,970	9,941	71,009
2025	– 1.9%	59,907	6.0	5,269	5,269	10,538	70,445
2026	– 1.9%	58,769	6.0	5,585	5,585	11,170	69,939
Total, 2022–2026 .....	.....	300,541	.....	25,658	25,656	51,314	351,855

¹ Historical total arrivals/departures assuming unchanged average test participation rate from '15–'21.² Estimates may not sum to total due to rounding.

3. Costs of I-418 Automation Test Program

In FY 2011, CBP implemented the I-418 Automation test program designed to streamline the commercial vessel arrival and departure processes. Since its implementation, the test program has introduced costs and benefits (cost savings) to commercial vessel operators and CBP. The outcomes in the analysis of the I-418 Automation test program are relative to a baseline where I-418 automation did not exist, and the test

continued in the absence of the I-418 Automation regulatory program. The period of analysis spans from FY 2011 to FY 2026 to include consideration of the test program's continuation in the absence of the I-418 Automation IFR. The effects of the I-418 Automation test program can be combined with those of the I-418 Automation regulatory program for a full analysis of CBP's I-418 automation efforts. CBP provides a combined analysis in a later section.

Commercial vessel operators and CBP experienced costs from the I-418

Automation test program related to an added time burden for processing of vessels.²⁵ Additionally, CBP experienced costs related to the purchase and maintenance of mobile devices used in processing vessels electronically and printing costs.²⁶ Together, the cost of the I-418 Automation program totals 2.2 million in present value and 116,000 when annualized (using a 7 percent discount rate; see Table 5).

TABLE 5—TOTAL COSTS OF I-418 AUTOMATION TEST PROGRAM, FY 2011–FY 2026
[2024 U.S. dollars]

Fiscal year	Total cost of test program
2011	\$636
2012	2,169
2013	2,188
2014	2,074
2015	161,496
2016	974,970
2017	70,799
2018	73,624
2019	72,001
2020	68,105
2021	68,125
2022	67,662
2023	67,830
2024	68,478
2025	68,141
2026	67,853
Total: Undiscounted	1,836,153
Total: Present Value, Discounted at 3 percent	2,205,411
Total: Annualized Value, Discounted at 3 percent	116,076
Total: Present Value, Discounted at 7 percent	2,826,551
Total: Annualized Value, Discounted at 7 percent	116,040

¹ All data is from the I-418 Automation test program years of operation.² Estimates may not sum to total due to rounding.

²⁵ CBP recorded some vessel arrival and departure inspection results both on paper and electronically when using mobile devices. This resulted in an

average of an additional 2 minutes for CBPOs to complete some vessels' processing.

²⁶ By requiring CBP to print out the then-required paper Form I-418 or signature pages generally for

all participant arrivals, the test program essentially shifted this burden from commercial vessel operators to CBP.

³ The estimates in this table are contingent upon the discount rates applied.

4. Benefits of I-418 Automation Test Program

As previously mentioned, in place of submitting required I-418 information on the paper Form I-418 upon arrival and departure, the I-418 Automation test program allowed participating commercial vessel operators to transmit the I-418 data through existing eNOA/D and APIS data submissions. This automated, electronic submission process offered time and resource savings to commercial vessel operators who fully participated in the test program and submitted the data elements required on Form I-418 to CBP through electronic means only, which was only a portion of participants.

Commercial vessel operators who fully participated in the I-418 Automation test program saved 60 minutes (1 hour) per arrival/departure from not submitting paper Form I-418.²⁷ Additionally, commercial vessel operators who fully participated in the I-418 Automation test program experienced printing cost savings from largely paperless passenger and crew list processing. Instead of requiring cargo and non-cargo vessel operators to submit two paper copies of their Form I-418 upon arrival/departure, a CBP officer processed the arrivals/departures of these participants using a copy of the

generated form that the officer printed. After processing, the CBP officer asked the commercial vessel operator to make a copy of the signed, stamped, and annotated paper Form I-418 for use during further coastwise travel or departure. Commercial vessel operators and CBP typically incurred a negligible time cost from this request for a copy of the Form I-418.²⁸ CBP officers at participating POEs generally processed the vessel arrivals/departures of cruise ship operators who fully participated in the I-418 Automation test program using the electronic Form I-418 data in the appropriate CBP systems and the two signature pages of the form that they printed.

Under this process, cargo and non-cargo commercial vessel operators fully participating in the test program were able to forgo submitting an average of three pages constituting one copy of their Form I-418 per arrival/departure.²⁹ With typically lengthier paper Form I-418 submissions, the I-418 Automation test program allowed participating cruise ship operators to forgo submitting an average of 600 pages constituting their Form I-418 package and copies per arrival/departure.³⁰

CBP experienced time savings from processing cargo and non-cargo vessel arrivals with mobile devices. As

previously mentioned, CBP began using mobile devices in FY 2015 to process some cargo and non-cargo vessel arrivals/departures remotely. During arrival/departure processing with mobile devices, CBP officers directly recorded the inspection results and related actions into the appropriate CBP systems at the time of the vessel, crew, and passenger inspections and processing. CBP officers also continued to record cargo and non-cargo vessel arrival/departure inspection results on paper to meet the regulatory guidelines in place regarding the submission and retention of paper Form I-418s. By recording the inspection results in real time electronically with mobile devices, CBP officers did not need to perform such manual data input later at the port office during post-inspection processing.

The total cost savings of the I-418 Automation test program would equal 16.7 million in present value and 685,000 on an annualized basis from FY 2011 to FY 2026 (using a 7 percent discount rate; see Table 6). To the extent that commercial vessel operators and CBP experienced other savings from the I-418 Automation test program not captured, the benefits of the test program would differ.

TABLE 6—TOTAL BENEFIT (COST SAVINGS) OF I-418 AUTOMATION TEST PROGRAM, FY 2011–FY 2026
[2024 U.S. dollars]

Fiscal year	Total benefit of test program
2011	\$243,339
2012	549,862
2013	555,378
2014	539,690
2015	596,784
2016	847,008
2017	843,928
2018	869,928
2019	876,335
2020	715,955
2021	623,597
2022	830,187
2023	870,073
2024	900,106

²⁷ CBP, Supporting Statement for Paperwork Reduction Act Submission OMB Number 1651–0103: Passenger List, Crew List (Form I-418) (2020), https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202004-1651-001.

²⁸ Information provided by CBP Office of Field Operations subject matter experts on May 15, 2024.

²⁹ Average 3-page length of Form I-418 submitted by cargo or non-cargo commercial vessel operator × 1 Form I-418 copy no longer submitted to CBP = 3 Form I-418 pages no longer submitted per cargo and non-cargo vessel arrival/departure. As previously mentioned, an unknown number of

cargo and non-cargo vessels arriving/departing at some POEs may have provided additional copies of the Form I-418 to CBP during each arrival/departure, meaning that their number of Form I-418 pages forgone would be more than three.

Information provided by CBP Office of Field Operations subject matter experts on December 16, 2016 and November 18, 2020.

³⁰ Average 300-page length of Form I-418 submitted by cruise ship operator × 2 Form I-418 copies no longer submitted to CBP = 600 Form I-418 pages no longer submitted per cruise ship arrival/departure. As previously mentioned, an

unknown number of cruise ships arriving/departing at some POEs may have provided additional copies of the Form I-418 to CBP during each arrival/departure, meaning that their number of Form I-418 pages forgone would be more than 600. Some cruise ship operators may have provided just two copies of the two signature pages of the Form I-418 and/or a manifest CD, though the number of these submissions is unknown. Information provided by CBP Office of Field Operations subject matter experts on November 12, 2020, and November 18, 2020.

TABLE 6—TOTAL BENEFIT (COST SAVINGS) OF I-418 AUTOMATION TEST PROGRAM, FY 2011–FY 2026—Continued
[2024 U.S. dollars]

Fiscal year	Total benefit of test program
2025	924,623
2026	950,690
Total: Undiscounted	11,737,482
Total: Present Value, Discounted at 3 percent	13,537,672
Total: Annualized Value, Discounted at 3 percent	712,517
Total: Present Value, Discounted at 7 percent	16,676,191
Total: Annualized Value, Discounted at 7 percent	684,615

¹ All data are from I-418 Automation test program years of operation.
² Estimates may not sum to total due to rounding.
³ The estimates in this table are contingent upon the discount rates applied.

5. Net Benefit of I-418 Automation Test Program

Table 7 summarizes the discounted, monetized costs and benefits (cost savings) of the I-418 Automation test program. As shown, the total present value net benefit (net cost saving) of the test is \$13.8 million, while its annualized net benefit (net cost saving) totals \$569,000 from FY 2011 to FY 2026 (using a 7 percent discount rate).

TABLE 7—NET BENEFIT (COST SAVING) OF I-418 AUTOMATION TEST PROGRAM, FY 2011–FY 2026
[2024 U.S. dollars]

	3% Discount rate		7% Discount rate	
	Present values	Annualized values	Present values	Annualized values
Total Cost	\$2,205,411	\$116,076	\$2,826,551	\$116,040
Total Benefit	13,537,672	712,517	16,676,191	684,615
Total Net Benefit	11,332,261	596,441	13,849,640	568,575

¹ Estimates may not sum to total due to rounding.
² The estimates in this table are contingent upon CBP's vessel arrival/departure projections as well as the discount rates applied.

6. Costs of I-418 Automation Rulemaking

This rulemaking automated the Form I-418 process for all commercial vessel operators and eliminated the regulatory guidelines in place regarding the retention of paper Form I-418s. These changes did not introduce costs to commercial vessel operators. If commercial vessel operators request a copy of their annotated electronic Form I-418, which they received by paper after CBP processing, they will incur negligible costs to do so.³¹ Based on experience with the I-418 Automation test and regulatory programs, CBP believes only a minimal number of commercial vessel operators will request such copies over the period of analysis because they already have access to the information on the form.³²

7. Benefits (Cost Savings) of I-418 Automation Rulemaking

The I-418 Automation regulatory program provided benefits (cost savings) in the form of time to commercial vessel operators not participating and partially participating in the I-418 Automation test program. Commercial vessel operators fully participating in the I-418 Automation test program did not experience added benefits as a result of this rulemaking but continue to experience the benefits they experienced during the test program. Their experience is fully accounted for in the analysis of the test program so are not included in the analysis of the effects of the rule. As a result of this rulemaking, vessel operators enjoy cost savings from forgone paper Form I-418 submissions, form printing, and duplicate processing. These cost savings will total \$24.5 million in present value from FY 2022 to FY 2026 (using a 7 percent discount rate). During the same period, CBP will experience an overall present value cost saving of \$59.4 million from the rule's avoided printing, streamlined mobile and post-inspection processing, and electronic recordkeeping (using a 7 percent discount rate). CBP may dedicate some of these savings to other agency mission areas, such as improving border security or facilitating trade. Altogether, the total cost saving of this rulemaking over the period of analysis will measure \$84.0 million in present value and \$16.7 million when annualized, as Table 8 shows (using a 7 percent discount rate). To the extent that commercial vessel operators and CBP enjoy other savings from the I-418 Automation regulatory program not captured, the benefits of this rulemaking would differ.

³¹ Information provided by CBP Office of Field Operations subject matter experts on November 24, 2020.

³² Information provided by CBP Office of Field Operations subject matter experts on May 16, 2024.

TABLE 8—TOTAL BENEFIT (COST SAVING) OF I-418 AUTOMATION REGULATORY PROGRAM FY 2022–FY 2026
[2024 U.S. dollars]

Fiscal year	Total benefit of regulatory program
2022	\$16,530,040
2023	16,703,200
2024	16,958,165
2025	16,788,695
2026	16,629,536
Total: Undiscounted	83,609,636
Total: Present Value, Discounted at 3 percent	83,673,816
Total: Annualized Value, Discounted at 3 percent	16,720,151
Total: Present Value, Discounted at 7 percent	83,971,081
Total: Annualized Value, Discounted at 7 percent	16,717,589

¹ Estimates may not sum to total due to rounding.

² The estimates in this table are contingent upon CBP's vessel arrival/departure projections as well as the discount rates applied.

8. Net Impact of I-418 Automation Regulatory Rulemaking

Table 9 outlines the monetized costs and benefits (cost savings) of the I-418

Automation regulatory program from FY 2022 to FY 2026. As illustrated, the benefits (cost savings) of this rulemaking outweigh its costs, with the total monetized net benefit (net cost

saving) of the regulatory program measuring \$84.0 million in present value and \$16.7 million on an annualized basis (using a 7 percent discount rate).

TABLE 9—NET BENEFIT (COST SAVING) OF I-418 AUTOMATION REGULATORY PROGRAM, FY 2022–FY 2026
[2024 U.S. dollars]

	3% Discount rate		7% Discount rate	
	Present values	Annualized values	Present values	Annualized values
Total Cost	\$0	\$0	\$0	\$0
Total Benefit	83,673,816	16,720,151	83,971,081	16,717,589
Total Net Benefit	83,673,816	16,720,151	83,971,081	16,717,589

Notes: The estimates in this table are contingent upon CBP's vessel arrival/departure projections as well as the discount rates applied. Estimates may not sum to total due to rounding.

9. Combined Net Benefits of I-418 Automation Test and Regulatory Programs

In FY 2011, CBP implemented the I-418 Automation test program designed to streamline the commercial vessel arrival and departure processes. Since its implementation, the test program has introduced costs and benefits (cost savings) to commercial vessel operators and CBP. Based on the success of the I-418 Automation test program, CBP formalized the test program by establishing the I-418 Automation regulatory program through the

Automation of CBP Form I-418 for Vessels Interim Final Rule, which is made final by this Final Rule. Like the test program, the I-418 Automation regulatory program affects both commercial vessel operators and CBP.

To give the public a full understanding of the impacts of the I-418 Automation test and regulatory program, CBP provides the following analysis which combines the effects of the I-418 Automation test and regulatory programs. The outcomes in this analysis are relative to a baseline scenario absent the I-418 Automation

test and regulatory programs. This analysis relies upon the information earlier in the report and does not go into detail with the individual effects. The period of analysis is from FY 2011 to FY 2026.

The combined net benefits from FY 2011 to FY 2026 of the I-418 Automation test and regulatory programs to commercial vessel operators and CBP are \$97.8 million in present value and \$4.0 million annually (using a 7 percent discount rate) and are shown in Table 10.

TABLE 10—COMBINED NET BENEFIT OF I-418 AUTOMATION TEST AND REGULATORY PROGRAMS
[2024 U.S. dollars]

	3% Discount rate		7% Discount rate	
	Present values	Annualized values	Present values	Annualized values
Total Cost	\$2,205,411	\$116,076	\$2,826,551	\$116,040
Total Benefit	97,211,489	5,116,450	100,647,273	4,131,915
Total Net Benefit	95,006,078	5,000,374	97,820,722	4,015,875

¹ Estimates may not sum to total due to rounding.

² The estimates in this table are contingent upon CBP's vessel arrival/departure projections as well as the discount rates applied.

10. Summary

In accordance with the Office of Management and Budget's Circular A-4 requirements, Accounting Statement 1 outlines the annualized costs and benefits (including cost savings) of this rulemaking while Accounting Statement

2 outlines the combined annualized costs and benefits (including cost savings) of the regulatory program and test program. CBP estimates that the projected monetized impacts of this rulemaking on commercial vessel operators, which represent both U.S. and foreign entities, is \$4.9 million in

annualized, monetized cost savings (using a 7 percent discount rate). CBP will experience \$11.8 million in annualized, monetized cost savings from this rulemaking between FY 2022 and FY 2026 (using a 7 percent discount rate). In total, the annualized, monetized cost saving will equal \$16.7 million.

ACCOUNTING STATEMENT 1—CLASSIFICATION OF EXPENDITURES OF THE I-418 AUTOMATION REGULATORY PROGRAM, FY 2022–FY 2026 [2024 U.S. dollars]

	3% Discount rate	7% Discount rate
<i>Total Cost:</i>		
Annualized, Monetized	\$0	\$0
Annualized, Non-Monetized, but Quantified		
Non-Monetized, Non-Quantified		
<i>Total Benefit:</i>		
Annualized, Monetized	16,720,151	16,717,589
Annualized, Non-Monetized, but Quantified		
Non-Monetized, Non-Quantified		

Note: The cost and benefit estimates in this table are contingent upon CBP expectations of future vessel arrivals and the discount rates applied for monetized values.

For informational purposes, CBP presents Accounting Statement 2 below which summarizes the combined impact of the I-418 Automation test and regulatory program on commercial vessel operators, which represent both

U.S. and foreign entities, and CBP. Commercial vessel operators and CBP will experience \$4.1 million in annualized, monetized cost savings between FY 2022 and FY 2026 (using a 7 percent discount rate). The I-418

Automation test and regulatory programs will also generate \$116,000 in annualized, monetized costs (using a 7 percent discount rate).

ACCOUNTING STATEMENT 2—CLASSIFICATION OF EXPENDITURES OF THE I-418 AUTOMATION TEST AND REGULATORY PROGRAMS, FY 2011–FY 2026 [2024 U.S. dollars]

	3% Discount rate	7% Discount rate
<i>Total Cost:</i>		
Annualized, Monetized	\$116,076	\$116,040
Annualized, Non-Monetized, but Quantified		
Non-Monetized, Non-Quantified		
<i>Total Benefit:</i>		
Annualized, Monetized	5,116,450	4,131,915
Annualized, Non-Monetized, but Quantified		
Non-Monetized, Non-Quantified		

Note: The cost and benefit estimates in this table are contingent upon CBP expectations of future vessel arrivals and the discount rates applied for monetized values.

In summary, the findings in this analysis demonstrate that the Automation of CBP Form I-418 for Vessels Rulemaking provides an overall net benefit (cost saving) to commercial vessel operators and CBP.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions) when the agency is required to publish a general notice of proposed rulemaking for a rule. Since a general notice of proposed rulemaking was not necessary for this rule, CBP is not required to prepare a regulatory flexibility analysis for this rule.

C. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

D. Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, DHS has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

E. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), an agency may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by OMB. The Form I-418 information collected under 8 CFR 251.1 and 251.3 was included under OMB control number 1651-0103. As a result of the Automation of CBP Form I-418 for Vessels rulemaking, CBP systems automatically reconcile eNOA/D, APIS,

and any other manifest data submitted electronically by commercial vessel operators prior to arrival and at departure to create an electronic version of Form I-418. CBP uses the automated, electronic Form I-418 for all commercial vessel crew and passenger admissibility inspections and processing, and thus generally establishes a completely paperless Form I-418 process for all commercial vessel arrivals and departures. CBP retains the paper Form I-418 and conducts paper Form I-418 processing only when the master or agent of the vessel is unable to electronically submit the data elements required on Form I-418 via an EDI approved by CBP due to technical issues, such as when the onboard computer system is malfunctioning or there is no internet access, and there is no shore-side support available; CBP is experiencing technical difficulties affecting its receipt or processing of electronically submitted information; or where CBP, in its discretion, determines that a paper Form I-418 is acceptable under the circumstances presented by the master or agent of a vessel. CBP conducts such processing to not hinder, stop, or otherwise penalize maritime traffic. CBP has discontinued the information collection covered by OMB control number 1651-0103 because this information collection was duplicative.

F. Privacy Interests

DHS will ensure that all Privacy Act requirements and policies are adhered to in the implementation of this rule and will issue or update any necessary Privacy Impact Assessment and/or Privacy Act System of Records notice to fully outline processes that will ensure compliance with Privacy Act protections.

List of Subjects

8 CFR Part 251

Air carriers, Airmen, Aliens, Maritime carriers, Reporting and recordkeeping requirements, Seamen.

8 CFR Part 258

Aliens, Longshore and harbor workers, Reporting and recordkeeping requirements, Seamen.

19 CFR Part 4

Exports, Freight, Harbors, Maritime carriers, Oil pollution, Reporting and recordkeeping requirements, Vessels.

TITLE 8—ALIENS AND NATIONALITY

PART 251—ARRIVAL AND DEPARTURE MANIFESTS AND LISTS: SUPPORTING DOCUMENTS

PART 258—LIMITATIONS ON PERFORMANCE OF LONGSHORE WORK BY ALIEN CREWMEN

TITLE 19—CUSTOMS DUTIES

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Accordingly, the interim final rule amending 8 CFR parts 251 and 258, and 19 CFR part 4, which was published at 86 FR 73618 on December 28, 2021, is adopted as final without change.

Kristi Noem,

Secretary of Homeland Security.

[FR Doc. 2025-19983 Filed 11-14-25; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-0351; Project Identifier MCAI-2024-00480-T; Amendment 39-23149; AD 2025-19-09]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2023-05-13, which applied to all Airbus SAS Model A300 B4-600, B4-600R, and F4-600R series airplanes; and Model A300 C4-605R Variant F airplanes (collectively called Model A300-600 series airplanes). AD 2023-05-13 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2023-05-13, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This AD continues to require the actions in AD 2023-05-13 and requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 22, 2025.

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

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of May 12, 2023 (88 FR 20749, April 7, 2023).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–0351; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

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

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2025–0351.

FOR FURTHER INFORMATION CONTACT:

Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3539; email: *Frank.Carreras@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2023–05–13, Amendment 39–22382 (88 FR 20749, April 7, 2023) (AD 2023–05–13). AD 2023–05–13 applied to all Airbus SAS Model A300–600 series airplanes. AD 2023–05–13 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2023–05–13 to address fatigue damage in principal structural elements.

The NPRM was published in the **Federal Register** on March 20, 2025 (90 FR 13107). The NPRM was prompted by AD 2024–0164, dated August 21, 2024 (EASA AD 2024–0164) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that new or more restrictive airworthiness limitations have been developed.

The MCAI also states that EASA revised EASA AD 2017–0204 (which corresponds to FAA AD 2018–18–19, Amendment 39–19398 (83 FR 47056, September 18, 2018) (AD 2018–18–19)) to remove Model A300–600 series airplanes from the applicability. Accomplishing the actions specified in this AD therefore terminates all requirements of AD 2018–18–19 for Model A300–600 series airplanes only.

In the NPRM, the FAA proposed to continue to require the actions in AD 2023–05–13. In the NPRM, the FAA also proposed to require revising the existing maintenance or inspection program, as applicable, as specified in EASA AD 2024–0164. The FAA is issuing this AD to address fatigue damage in principal structural elements.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0351.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from two individuals who supported the NPRM without change.

Request To Confirm Intent To Allow Use of Later-Approved Revisions

ProTech Aero Services Limited requested the FAA confirm that the proposed AD would allow the use of later-approved revisions of the material specified in EASA AD 2024–0164, as acceptable for compliance with the AD requirements.

The FAA confirms that it intends to allow the use of later-approved revisions of the material referenced in EASA AD 2024–0164 as acceptable for compliance with the required actions. This AD adopts the “Ref. Publications” section of EASA AD 2024–0164, which includes the current version of the referenced material as well as later approved variations or revisions.

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, that authority

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0164, which specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This AD also requires EASA AD 2022–0173, dated August 24, 2022, which the Director of the Federal Register approved for incorporation by reference as of May 12, 2023 (88 FR 20749, April 7, 2023).

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

The FAA estimates the total cost per operator for the retained actions from AD 2023–05–13 to be \$7,650 (90 work-hours × \$85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new actions to be \$7,650 (90 work-hours × \$85 per work-hour).

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
- a. Removing Airworthiness Directive (AD) 2023–05–13, Amendment 39–22382 (88 FR 20749, April 7, 2023); and
 - b. Adding the following new AD:

2025–19–09 Airbus SAS: Amendment 39–23149; Docket No. FAA–2025–0351; Project Identifier MCAI–2024–00480–T.

(a) Effective Date

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

(b) Affected ADs

(1) This AD replaces AD 2023–05–13, Amendment 39–22382 (88 FR 20749, April 7, 2023) (AD 2023–05–13).

(2) This AD affects AD 2018–18–19, Amendment 39–19398 (83 FR 47056, September 18, 2018) (AD 2018–18–19).

(c) Applicability

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

(1) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(2) Model A300 B4–605R and B4–622R airplanes.

(3) Model A300 C4–605R Variant F airplanes.

(4) Model A300 F4–605R and F4–622R airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue damage in principal structural elements. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

(f) Compliance

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

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

This paragraph restates the requirements of paragraph (g) of AD 2023–05–13, with a new terminating action. Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0173, dated August 24, 2022 (EASA AD 2022–0173). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (k) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2022–0173, With No Change

This paragraph restates the exceptions specified in paragraph (h) of AD 2023–05–13, with no change.

(1) This AD does not adopt the requirements specified in paragraph (1) of EASA AD 2022–0173.

(2) Paragraph (2) of EASA AD 2022–0173 specifies revising “the approved AMP” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after May 12, 2023 (the effective date of AD 2023–05–13).

(3) The initial compliance time for doing the tasks specified in paragraph (2) of EASA AD 2022–0173 is at the applicable “limitations” as incorporated by the

requirements of paragraph (2) of EASA AD 2022–0173, or within 90 days after May 12, 2023 (the effective date of AD 2023–05–13), whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraph (3) of EASA AD 2022–0173.

(5) This AD does not adopt the “Remarks” section of EASA AD 2022–0173.

(i) Retained Provisions for Alternative Actions and Intervals, With a New Exception

This paragraph restates the requirements of paragraph (i) of AD 2023–05–13, with a new exception. Except as required by paragraph (k) of this AD: After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections) and intervals are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2022–0173.

(j) Retained Terminating Action for Certain Tasks Required by AD 2018–18–19, With No Changes

This paragraph restates the terminating action of paragraph (j) of AD 2023–05–13, with no changes. For Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, C4–605R Variant F, F4–605R, and F4–622R airplanes only: Accomplishing the actions required by paragraph (g) of this AD terminates the corresponding requirements of AD 2018–18–19 for the tasks identified in the material referenced in EASA AD 2022–0173 only.

(k) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (l) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2024–0164, dated August 21, 2024 (EASA AD 2024–0164). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(l) Exceptions to EASA AD 2024–0164

(1) This AD does not adopt the requirements specified in paragraph (1) of EASA AD 2024–0164.

(2) Paragraph (2) of EASA AD 2024–0164 specifies revising “the approved AMP,” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (2) of EASA AD 2024–0164 is at the applicable “limitations” as incorporated by the requirements of paragraph (2) of EASA AD 2024–0164, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (3) and (4) of EASA AD 2024–0164.

(5) This AD does not adopt the “Remarks” section of EASA AD 2024–0164.

(m) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (k) of this AD, no alternative actions (e.g., inspections) and intervals are allowed unless they are approved as specified in the provisions of the "Ref. Publications" section of EASA AD 2024-0164.

(n) New Terminating Action for AD 2018-18-19

For Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, B4-622R, C4-605R Variant F, F4-605R, and F4-622R airplanes only: Accomplishing the actions required by paragraph (k) of this AD terminates the corresponding requirements of AD 2018-18-19.

(o) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(p) Additional Information

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

(q) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on December 22, 2025.

(i) European Union Aviation Safety Agency (EASA) AD 2024-0164, dated August 21, 2024.

(ii) [Reserved]

(4) The following material was approved for IBR on May 12, 2023 (88 FR 20749, April 7, 2023).

(i) EASA AD 2022-0173, dated August 24, 2022.

(ii) [Reserved]

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

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

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

Issued on October 2, 2025.

Peter A. White,

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

[FR Doc. 2025-20015 Filed 11-14-25; 8:45 am]

BILLING CODE 4910-13-P

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

[Docket No. FAA-2025-4001; Project Identifier MCAI-2025-01627-A; Amendment 39-23191; AD 2025-23-08]

RIN 2120-AA64

Airworthiness Directives; Textron Aviation Inc. (Type Certificate Previously Held by Cessna Aircraft Company) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Textron Aviation Inc. Model 182Q and 182R airplanes. This AD was prompted by reports of damaged intercooler inlet and outlet hoses. This AD requires repetitive visual inspections of the intercooler inlet and outlet hoses for cracks and, at a certain compliance time or if any cracks are found, replacement of the intercooler inlet and outlet hoses. The FAA is issuing this AD to address the unsafe condition on these products. **DATES:** This AD is effective December 2, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 2, 2025.

The FAA must receive comments on this AD by January 2, 2026.

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

• *Federal eRulemaking Portal:* Go to regulations.gov. Follow the instructions for submitting comments.

• *Fax:* (202) 493-2251.

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

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

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA-2025-4001; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

• For SMA Aero Engines GmbH material identified in this AD, contact SMA Aero Engines GmbH, AM Flugplatz, D-63329 Egelsbach, Germany; phone: +49 6103 4002 678; email: frederik.lehners@roeder.aero; website: info@roeder.aero.

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at regulations.gov under Docket No. FAA-2025-4001.

FOR FURTHER INFORMATION CONTACT:

Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228-7366; email: joseph.catanzaro@faa.gov.

SUPPLEMENTARY INFORMATION:**Comments Invited**

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include "Docket No. FAA-2025-4001; Project Identifier MCAI-2025-01627-A" at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

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

Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD 2025-0230-E, dated October 21, 2025 (EASA Emergency AD 2025-0230-E) (also referred to as the MCAI), to correct an unsafe condition on Textron Aviation Inc. Model 182M, 182N, 182P, 182Q, 182R, all serial numbers, and (Reims-manufactured) F182P and F182Q airplanes, all serial numbers, if modified in accordance with EASA Supplemental Type Certificate (STC) 10013975 at Revision 15 or earlier, or (formerly) STC EASA.A.S.00774 (installation of Engine SMA SR305-230 or SR305-230E); and Model 182Q, 182R, all serial numbers, if modified in accordance with EASA STC 10016495 at Revision 1 or earlier, or (formerly) STC EASA.IM.A.S.02857, (installation of Engine SMA SR305-230/-230-1). The MCAI states that occurrences were reported of damaged intercooler air hoses. The MCAI also states that EASA Emergency AD 2025-0230-E is considered an interim action

and further AD action may follow. This condition, if not detected and corrected, could result in a loss of manifold pressure and consequent loss of engine power, potentially leading to a forced landing, damage to the airplane, and injury to occupants.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA-2025-4001.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed SMA Aero Engines GmbH Service Bulletin SB-C182-71-011, Revision No. 01, dated October 20, 2025, which specifies procedures for repetitive visual inspections of the intercooler inlet and outlet hoses for cracks and specifies replacement of any intercooler air hose found cracked. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA's Determination

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

AD Requirements

This AD requires accomplishing the actions specified in the material already described.

Differences Between This AD and the MCAI

The MCAI applies to certain Textron Aviation Inc. Model 182M, 182N, 182P, 182Q, 182R and (Reims-manufactured) F182P and F182Q airplanes. This AD does not apply to Models 182M, 182N, 182P, and (Reims-manufactured) F182P and F182Q airplanes because EASA STC 10013975 is currently not validated in the United States.

Interim Action

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

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because damaged intercooler inlet and outlet hoses could result in a loss of manifold pressure. The consequent loss of engine power could lead to a forced landing, damage to the airplane, and injury to occupants, and thus an inspection of these parts is required before further flight. In addition, most of the affected airplanes have already accumulated or are approaching 500 flight hours and thus the mandatory replacement is required either before further flight or within 50 flight hours of operation. These compliance times are shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

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

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 10 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
Visually inspect intercooler inlet and outlet hoses.	1 work-hours × \$85 per hour = \$85	\$0	\$85	\$850
Replace intercooler inlet and outlet hoses	1 work-hours × \$85 per hour = \$85	356	441	4,410

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–23–08 Textron Aviation Inc. (Type Certificate Previously Held by Cessna Aircraft Company): Amendment 39–23191; Docket No. FAA–2025–4001; Project Identifier MCAI–2025–01627–A.

(a) Effective Date

This airworthiness directive (AD) is effective December 2, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Textron Aviation Inc. (type certificate previously held by Cessna Aircraft Company) Model 182Q and 182R airplanes, certificated in any category, equipped with an affected part as defined in paragraph (g)(1) of this AD installed in accordance with Supplemental Type Certificate SA03302AT.

(d) Subject

Joint Aircraft System Component (JASC) Code 1410, Hoses and Tubes.

(e) Unsafe Condition

This AD was prompted by reports of damaged intercooler inlet and outlet hoses. The FAA is issuing this AD to detect and correct cracked intercooler inlet and outlet hoses. The unsafe condition, if not addressed, could result in a loss of manifold pressure and consequent loss of engine power, potentially leading to a forced landing, damage to the airplane, and injury to occupants.

(f) Compliance

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

(g) Definitions

(1) For the purpose of this AD, an "affected part" is an intercooler inlet or outlet hose having Part Number (P/N) SP01170459–0, P/N SP01170385–1, P/N SP01170460–0, P/N SP01170386–1, P/N 1500004183–1, or P/N 1500004182–1.

(2) For the purpose of this AD a "serviceable part" is an intercooler inlet hose, which is not an affected part; or an affected part which is new or which accumulated less than 500 flight hours since first installation, provided that, within 7 days before installation, it has passed an inspection (no cracks found) in accordance

with paragraph 3.A.(a) and (b), Accomplishment Instruction, of SMA Service Bulletin SB–C182–71–011, Rev. 01.

(h) Required Actions

(1) Before further flight after the effective date of this AD and thereafter at intervals not to exceed 50 flight hours: visually inspect each intercooler inlet and outlet hose for any crack in accordance with paragraph 3.A.(a) and (b), Accomplishment Instruction, of SMA Aero Engines GmbH (SMA) Service Bulletin SB–C182–71–011, Revision No. 01, dated October 20, 2025 (SMA Service Bulletin SB–C182–71–011, Rev. 01).

(2) If during any intercooler inlet or outlet hose inspection required by paragraph (h)(1) of this AD, any crack is found, replace the hose, as applicable, with a serviceable part.

(3) Within 500 flight hours since first installation of an affected part on the airplane after the effective date of this AD or before further flight, whichever is later, replace the affected part with a serviceable part.

(i) Parts Installation Prohibition

As of the effective date of this AD, do not install an intercooler inlet or outlet hose on an airplane that is not a serviceable part as defined in paragraph (g)(2) of this AD.

(j) No Reporting Requirement

Although SMA Service Bulletin SB–C182–71–011, Rev. 01, specifies submitting certain information to the manufacturer, this AD does not include that requirement.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Additional Information

For more information about this AD, contact Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7366; email: joseph.catanzaro@faa.gov.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference

(IBR) of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

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

(i) SMA Aero Engines GmbH (SMA) Service Bulletin SB-C182-71-011, Revision No. 01, dated October 20, 2025.

(ii) [Reserved]

(3) For SMA Aero Engines GmbH material identified in this AD, contact SMA Aero Engines GmbH, AM Flugplatz, D-63329 Egelsbach, Germany; phone: +49 6103 4002 678; email: frederik.lehners@roeder.aero; website: info@roeder.aero.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222-5110.

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

Issued on November 10, 2025.

Steven W. Thompson,

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

[FR Doc. 2025-19900 Filed 11-13-25; 11:15 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2023-2269; Airspace Docket No. 23-ASO-4]

RIN 2120-AA66

Amendment of Jet Routes and Domestic Very High Frequency Omnidirectional Range (VOR) Federal Airways and Revocation of VOR Federal Airway; Eastern United States; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting a final rule published in the **Federal Register** on September 3, 2025. The final rule amends Jet Routes J-6, J-14, J-66, J-101, J-131, and J-180; amends Very High Frequency Omnidirectional Range (VOR) Federal Airways V-54, V-74, V-124, V-305, V-532, and V-573; and revokes VOR Federal Airway V-534 in the eastern United States. This action corrects a typographical error in the route description of VOR Federal Airway V-124.

DATES: The effective date of the final rule published in the **Federal Register** on September 3, 2025, remains 0901

UTC, November 27, 2025. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT:

Brian Vidis, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (90 FR 42528; September 3, 2025), amending Jet Routes J-6, J-14, J-66, J-101, J-131, and J-180; amending VOR Federal Airways V-54, V-74, V-124, V-305, V-532, and V-573; and revoking VOR Federal Airway V-534 in the eastern United States. On September 22, 2025, the final rule was included in an unrelated administrative correction action published in the **Federal Register** (90 FR 45324), updating the effective version of FAA Order JO 7400.11 for purposes of Incorporation by Reference.

Subsequent to publication of the final rule and unrelated correction, the FAA determined that in the route description of VOR Federal Airway V-124, the “T” was inadvertently omitted from the state abbreviation “TX” for the Bonham, TX (BYP), VOR/Tactical Air Navigation (VORTAC). In the Supplementary Information section, within the subsection entitled “The Rule”, which describes the action, the Bonham VORTAC state abbreviation was correctly listed as “TX”. This action corrects this error by amending the route description of VOR Federal Airway V-124 to indicate “From Bonham, TX;” as intended. Accordingly, the following corrections are effective November 27, 2025.

Correction to Final Rule

In FR Doc. 2025-16861, 90 FR 42528, September 3, 2025,

On page 42531, in the second column, in the line directly below the bolded text “V-124 [Amended]”, replace the

text “From Bonham, T;” with “From Bonham, TX;”.

* * * * *

Issued in Washington, DC, on November 13, 2025.

Alex W. Nelson,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2025-19999 Filed 11-14-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2025-0141; Airspace Docket No. 24-AGL-23]

RIN 2120-AA66

Amendment of VOR Federal Airways V-55, V-100, and V-277 in the Vicinity of Keeler, MI; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published by the FAA in the **Federal Register** on September 3, 2025, amending Very High Frequency Omnidirectional Range (VOR) Federal Airways V-55, V-100, and V-277 due to the planned decommissioning of the VOR portion of the Keeler (ELX), MI, VOR/Distance Measuring Equipment (VOR/DME) in support of the FAA’s VOR Minimum Operational Network (MON) program. Specifically, this action administratively corrects errors within the description of V-55 in the final rule as published on September 3, 2025.

DATES: The effective date of the final rule published in the **Federal Register** on September 3, 2025, remains 0901 UTC, November 27, 2025. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT:

Brian Vidis, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600

Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (90 FR 42531; September 3, 2025) amending VOR Federal Airways V-55, V-100, and V-277. Subsequent to the publication of that final rule, the FAA discovered a final rule previously published in the **Federal Register** (90 FR 14197; March 31, 2025), amending VOR Federal Airway V-55 in the vicinity of Goshen, IN. The amendment revoked a segment of the airway between the Fort Wayne, IN, VOR/Tactical Air Navigation (VORTAC) and the Gipper, MI, VORTAC. However, these changes were not reflected in the later-published final rule that is now being corrected. Specifically, in this now-corrected airspace action, the segment of V-55 between the Fort Wayne, IN, VORTAC and the Gipper, MI, VORTAC was included in the description despite having been previously revoked. This action corrects this error by removing the segment of V-55 between the Fort Wayne VORTAC and the Gipper VORTAC from the airway description. No other portion of the airway is affected by this rule.

Correction to the Final Rule

Accordingly, pursuant to the authority delegated to me, in Docket No. FAA-2025-0141 as published in the **Federal Register** on September 3, 2025 (90 FR 42531), FR Doc. 2025-16888, is corrected as follows:

On page 42533, in the first column, in the line directly below the bolded text “V-55 [Amended]”, replace the text “From Dayton, OH; Fort Wayne, IN; Goshen, IN; to Gipper, MI.” with “From Dayton, OH; to Fort Wayne, IN.”.

Issued in Washington, DC, on November 13, 2025.

Alex W. Nelson,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2025-20028 Filed 11-14-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA-2025-2760; Airspace Docket No. 25-ASW-6]

RIN 2120-AA66

Renaming of Restricted Areas R-6302A, R-6302B, R-6302C, R-6302D, and R-6302E; Fort Cavazos, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action is an administrative change to rename restricted areas R-6302A, R-6302B, R-6302C, R-6302D, and R-6302E; Fort Cavazos, TX, and to update the using agency description to reflect the change. This action does not alter airspace boundaries or impose additional operating requirements on users of the affected airspace.

DATES: Effective date 0901 UTC, January 22, 2026.

ADDRESSES: A copy of this final rule and all background material may be viewed online at www.regulations.gov using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from www.federalregister.gov.

FOR FURTHER INFORMATION CONTACT:

Brian Vidis, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it updates the information in the airspace descriptions of restricted areas R-6302A, R-6302B,

R-6302C, R-6302D, and R-6302E; Fort Cavazos, TX.

History

On June 11, 2025, the Secretary of the Army directed the U.S. Army to change the name of “Fort Cavazos, TX” by redesignating it as, “Fort Hood, TX.” Consequently, this rulemaking action implements the requisite changes to part 73 by updating the airspace descriptions of restricted areas R-6302A, R-6302B, R-6302C, R-6302D, and R-6302E to reflect the new name.

The Rule

This action amends 14 CFR part 73 by updating the airspace titles and using agency descriptions for restricted areas R-6302A, R-6302B, R-6302C, R-6302D, and R-6302E by removing the name “Fort Cavazos, TX” and replacing it with “Fort Hood, TX.” The using agency for all five restricted areas is changed to the “U.S. Army, Commanding General, III Armored Corps and Fort Hood, Fort Hood, TX.”

Good Cause for Bypassing Notice and Comment

Under 5 U.S.C. 553, federal agencies engaged in informal rulemaking must provide the public with a notice of proposed rulemaking and an opportunity for public participation. However, 5 U.S.C. 553(b)(B) exempts a rule from these 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.” Courts have construed these exceptions narrowly, but have nonetheless accepted determinations of good cause that notice and comment is unnecessary in “those situations in which the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.” See *Mack Trucks, Inc. v. EPA*, 682 F.3d 87, 94 (D.C. Cir. 2012). This action consists of administrative name changes and minor technical amendments only. It does not affect the boundaries, altitudes, time of designation, operating requirements, or activities conducted in the restricted areas. Therefore, FAA has determined that good cause exists to find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are

necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of making administrative name changes to the geographic location and using agency information of restricted areas R-6302A, R-6302B, R-6302C, R-6302D, and R-6302E qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) and in accordance with FAA Order 1050.1G, *FAA National Environmental Policy Act Implementing Procedures*, paragraph B-2.5(a), which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (*see* 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph B-2.5(d)—Modification of the technical description of special use airspace (SUA) that does not alter the dimensions, altitudes, or times of designation of the airspace (such as changes in designation of the controlling or using agency, or correction of typographical errors). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with the FAA's NEPA implementation policy and procedures regarding extraordinary circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact statement.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

- 1. The authority citation for 14 CFR part 73 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p.389.

§ 73.63 Texas (TX) [Amended]

- 2. Section 73.63 is amended as follows:

* * * * *

R-6302A Fort Cavazos, TX [Removed]

R-6302B Fort Cavazos, TX [Removed]

R-6302C Fort Cavazos, TX [Removed]

R-6302D Fort Cavazos, TX [Removed]

R-6302E Fort Cavazos, TX [Removed]

R-6302A Fort Hood, TX [New]

Boundaries. Beginning at lat. 31°09'01" N, long. 97°45'01" W; to lat. 31°10'01" N, long. 97°48'01" W; to lat. 31°14'15" N, long. 97°50'33" W; to lat. 31°18'25" N, long. 97°48'48" W; to lat. 31°18'23" N, long. 97°45'43" W; to lat. 31°20'00" N, long. 97°45'23" W; to lat. 31°22'09" N, long. 97°43'27" W; to lat. 31°22'08" N, long. 97°41'56" W; to lat. 31°21'01" N, long. 97°41'01" W; to lat. 31°20'01" N, long. 97°41'01" W; to lat. 31°14'01" N, long. 97°33'01" W; to lat. 31°08'01" N, long. 97°37'01" W; to lat. 31°08'01" N, long. 97°39'01" W; to lat. 31°10'01" N, long. 97°41'01" W; to lat. 31°09'01" N, long. 97°43'31" W; to the point of beginning.

Designated altitudes. Surface to, but not including 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Houston ARTCC.

Using agency. U.S. Army, Commanding General, III Armored Corps and Fort Hood, Fort Hood, TX.

R-6302B Fort Hood, TX [New]

Boundaries. Beginning at lat. 31°14'01" N, long. 97°33'01" W; to lat. 31°06'01" N, long. 97°33'01" W; to lat. 31°08'01" N, long. 97°39'01" W; to lat. 31°08'01" N, long. 97°37'01" W; to the point of beginning.

Designated altitudes. Surface to 11,000 feet MSL.

Time of designation. 1800–0600 local time, Monday–Saturday; other times by NOTAM.

Controlling agency. FAA, Houston ARTCC.

Using agency. U.S. Army, Commanding General, III Armored Corps and Fort Hood, Fort Hood, TX.

R-6302C Fort Hood, TX [New]

Boundaries. Beginning at lat. 31°09'01" N, long. 97°45'01" W; to lat. 31°09'01" N, long. 97°55'01" W; to lat. 31°16'01" N, long. 97°54'01" W; to lat. 31°19'01" N, long. 97°51'01" W; to lat. 31°18'25" N, long. 97°48'48" W; to lat. 31°14'15" N, long. 97°50'33" W; to lat. 31°10'01" N, long. 97°48'01" W; to the point of the beginning.

Designated altitudes. Surface to, but not including 30,000 feet MSL.

Time of designation. 0700–1900 local time, Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Houston ARTCC.

Using agency. U.S. Army, Commanding General, III Armored Corps and Fort Hood, Fort Hood, TX.

R-6302D Fort Hood, TX [New]

Boundaries. Beginning at lat. 31°18'25" N, long. 97°48'48" W; to lat. 31°19'01" N, long. 97°51'01" W; to lat. 31°24'01" N, long. 97°48'01" W; to lat. 31°23'01" N, long. 97°43'01" W; to lat. 31°22'08" N, long. 97°41'56" W; to lat. 31°22'09" N, long. 97°43'27" W; to lat. 31°20'00" N, long. 97°45'23" W; to lat. 31°18'23" N, long. 97°45'43" W; to the point of the beginning.

Designated altitudes. Surface to, but not including 30,000 feet MSL.

Time of designation. 0700–1900 local time, Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Houston ARTCC.

Using agency. U.S. Army, Commanding General, III Armored Corps and Fort Hood, Fort Hood, TX.

R-6302E Fort Hood, TX [New]

Boundaries. Beginning at lat. 31°22'08" N, long. 97°41'56" W; to lat. 31°21'01" N, long. 97°41'01" W; to lat. 31°20'01" N, long. 97°41'01" W; to lat. 31°14'01" N, long. 97°33'01" W; to lat. 31°08'01" N, long. 97°39'01" W; to lat. 31°10'01" N, long. 97°41'01" W; to lat. 31°09'01" N, long. 97°43'31" W; to lat. 31°09'01" N, long. 97°45'01" W; to lat. 31°10'01" N, long. 97°48'01" W; to lat. 31°14'15" N, long. 97°50'33" W; to lat. 31°18'25" N, long. 97°48'48" W; to lat. 31°18'23" N, long. 97°45'43" W; to lat. 31°20'00" N, long. 97°45'23" W; to lat. 31°22'09" N, long. 97°43'27" W; to the point of beginning.

Designated altitudes. 30,000 feet MSL to 45,000 feet MSL.

Times of designation. By NOTAM 48 hours in advance.

Controlling agency. FAA, Houston ARTCC.

Using agency. U.S. Army,
Commanding General, III Armored
Corps and Fort Hood, Fort Hood, TX.

* * * * *

Issued in Washington, DC, on November
13, 2025.

Alex W. Nelson,

Acting Manager, Rules and Regulations
Group.

[FR Doc. 2025–20000 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 122

[CBP Dec. 25–15]

RIN 1651–AB67

Technical Amendment to List of User Fee Airports: Addition of Five Airports, Removal of One Airport

AGENCY: U.S. Customs and Border
Protection (CBP), Department of
Homeland Security.

ACTION: Final rule; technical
amendment.

SUMMARY: This document amends CBP regulations by revising the list of user fee airports. This technical amendment reflects the designation of user fee status for five additional airports: City of Colorado Springs Municipal Airport in Colorado Springs, Colorado; Santa Maria Public Airport District in Santa Maria, California; Tallahassee International Airport in Tallahassee, Florida; Vero Beach Regional Airport in Vero Beach, Florida; and Hillsboro Airport in Hillsboro, Oregon. This document also amends CBP regulations by removing Ontario International Airport in Ontario, California from the list of user fee airports.

DATES: *Effective date:* November 17, 2025.

FOR FURTHER INFORMATION CONTACT:
Ryan Flanagan, Director, Alternative
Funding Program, Office of Field
Operations, U.S. Customs and Border
Protection, at Ryan.H.Flanagan@cbp.dhs.gov or 202–550–9566.

SUPPLEMENTARY INFORMATION:

Background

Title 19, part 122, of the Code of Federal Regulations (19 CFR part 122) sets forth regulations relating to the entry and clearance of aircraft¹ engaged

in international commerce and the transportation of persons and cargo by aircraft in international commerce.² Generally, a civil aircraft arriving from outside the United States must land at an airport designated as an international airport. Alternatively, civil aircraft may request permission to land at a specific airport and, if landing rights are granted, the civil aircraft may land at that landing rights airport.³

Section 236 of the Trade and Tariff Act of 1984 (Pub. L. 98–573, 98 Stat. 2948, 2994 (1984)), codified at 19 U.S.C. 58b, created an alternative option for civil aircraft seeking to land at an airport that is neither an international airport nor a landing rights airport. This alternative option allows the Commissioner of CBP to designate an airport, upon request by the airport authority or other sponsoring entity, as a user fee airport.⁴ Pursuant to 19 U.S.C. 58b, a requesting airport may be designated as a user fee airport only if CBP determines that the volume or value of business at the airport is insufficient to justify the unreimbursed availability of customs services at the airport and the governor of the state in which the airport is located approves the designation. Because the volume or value of business cleared through this type of airport is insufficient to justify the availability of customs services at no cost, customs services provided by CBP at the airport are not funded by appropriations from the general treasury of the United States. Instead, the user fee airport pays for the customs services provided by CBP. The user fee airport

invented, used or designed for navigation or flight in the air and does not include hovercraft. 19 CFR 122.1(a).

² Part 122 of CFR title 19 is issued in relevant part pursuant to the authority of the Secretary of Homeland Security under 19 U.S.C. 1644 and 1644a.

³ A landing rights airport is “any airport, other than an international airport or user fee airport, at which flights from a foreign area are given permission by Customs to land.” 19 CFR 122.1(f).

⁴ Sections 403(1) and 411 of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2135, 2178–79 (2002)), codified at 6 U.S.C. 203(1) and 211, transferred certain functions, including the authority to designate user fee facilities (UFF), from the U.S. Customs Service of the Department of the Treasury to the U.S. Department of Homeland Security. The Secretary of Homeland Security delegated the authority to designate user fee facilities to the Commissioner of CBP. See DHS, Delegation No. 07010.3, Delegation of Authority to the Commissioner of U.S. Customs and Border Protection IIA (Rev. No. 03.2, Incorporating Change 2, Dec. 11, 2024). The Commissioner subsequently delegated the authority to designate new UFFs to the Executive Assistant Commissioner (EAC) of the Office of Field Operations on March 23, 2020. On December 23, 2020, the broader authority to withdraw a facility’s designation as a UFF, as well as execute, amend, or terminate Memorandums of Agreement, was also delegated to the EAC of the Office of Field Operations.

must pay the fees charged, which must be in an amount equal to the expenses incurred by CBP in providing customs and related services at the user fee airport, including the salary and expenses of CBP employees to provide such services. See 19 U.S.C. 58b; see also 19 CFR 24.17(a)–(b).

CBP designates airports as user fee airports in accordance with 19 U.S.C. 58b and 19 CFR 122.15 on a case-by-case basis. If CBP decides that the conditions for designation as a user fee airport are satisfied, a Memorandum of Agreement (MOA) is executed between the Commissioner of CBP (or the Commissioner’s delegate, see footnote 4, above) and the sponsor (the airport authority or other sponsoring entity requesting the designation) of the user fee airport. Pursuant to 19 CFR 122.15(c), the designation of an airport as a user fee airport must be withdrawn if either CBP or the airport authority gives 120 days written notice of termination to the other party or if any amounts due to CBP are not paid on a timely basis.

The list of designated user fee airports is set forth in 19 CFR 122.15(b). Periodically, CBP updates the list to include newly designated airports that were not previously on the list, to reflect any changes in the names of the designated user fee airports, and to remove airports that are no longer designated as user fee airports.

Recent Changes Requiring Updates to the List of User Fee Airports

This document updates the list of user fee airports in 19 CFR 122.15(b) by adding the following five airports: City of Colorado Springs Municipal Airport in Colorado Springs, Colorado; Santa Maria Public Airport District in Santa Maria, California; Tallahassee International Airport in Tallahassee, Florida; Vero Beach Regional Airport in Vero Beach, Florida; and Hillsboro Airport in Hillsboro, Oregon. CBP has signed MOAs with the respective airport authorities designating each of these five airports as a user fee airport.⁵

Additionally, this document updates the list of user fee airports in 19 CFR 122.15(b) by removing one airport: Ontario International Airport in Ontario, California. The airport authority of Ontario International Airport requested to terminate its user fee status on

⁵ The Acting Executive Assistant Commissioner of the Office of Field Operations signed MOAs designating the Santa Maria Public Airport District on July 5, 2024; the City of Colorado Springs Municipal Airport on November 1, 2024; the Tallahassee International Airport on November 1, 2024; the Vero Beach Regional Airport on December 5, 2024; and the Hillsboro Airport on July 24, 2025.

¹ For purposes of this technical rule, an “aircraft” is defined as any device now known, or hereafter

November 17, 2023, and the airport authority and CBP mutually agreed to terminate the user fee status of Ontario International Airport effective October 1, 2024.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Under the Administrative Procedure Act (5 U.S.C. 553(b)(B)), an agency is exempted from the prior public notice and comment procedures if it finds, for good cause, that such procedures are impracticable, unnecessary, or contrary to the public interest. This final rule makes conforming changes by updating the list of user fee airports to add five airports that have already been designated by CBP as user fee airports and by removing one airport for which CBP has withdrawn the user fee airport designation, in accordance with 19 U.S.C. 58b. Because this conforming rule has no substantive impact, is technical in nature, and does not impose additional burdens on or take away any existing rights or privileges from the public, CBP finds for good cause that the prior public notice and comment procedures are impracticable, unnecessary, and contrary to the public interest. For the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Regulatory Flexibility Act and Executive Orders 12866 and 14192

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory

approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 14192 (Unleashing Prosperity Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that “any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.”

The Office of Management and Budget (OMB) has not designated this rule a “significant regulatory action,” under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it.

This rule is an Executive Order 14192 deregulatory action because it provides clarification within the regulations, without increasing costs to the public.

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. 5 U.S.C. 603(a).

Paperwork Reduction Act

There is no new collection of information required in this document; therefore, the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) are inapplicable.

Signing Authority

This document is limited to a technical correction of CBP regulations. Accordingly, it is signed under the authority of 19 CFR 0.1(b). Rodney S. Scott, Commissioner, having reviewed

and approved this document, has delegated the authority to electronically sign this document to the Director (or Acting Director, if applicable) of the Regulations and Disclosure Law Division for CBP, for purposes of publication in the **Federal Register**.

List of Subjects in 19 CFR Part 122

Air carriers, Aircraft, Airports, Customs duties and inspection, Freight.

Amendments to Regulations

For the reasons stated in the preamble, CBP amends 19 CFR part 122 as set forth below:

PART 122—AIR COMMERCE REGULATIONS

■ 1. The general authority citation for part 122 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1415, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.
* * * * *

■ 2. In § 122.15, amend the table in paragraph (b) as follows:

■ a. Add entries for “Colorado Springs, Colorado” and “Hillsboro, Oregon” in alphabetical order;

■ b. Remove the entry for “Ontario, California”; and

■ c. Add entries for “Santa Maria, California”, “Tallahassee, Florida”, and “Vero Beach, Florida” in alphabetical order.

The additions read as follows:

§ 122.15 User fee airports.

* * * * *
(b) * * *

Location	Name
* * * * *	
Colorado Springs, Colorado	City of Colorado Springs Municipal Airport.
* * * * *	
Hillsboro, Oregon	Hillsboro Airport.
* * * * *	
Santa Maria, California	Santa Maria Public Airport District.
* * * * *	
Tallahassee, Florida	Tallahassee International Airport.
* * * * *	
Vero Beach, Florida	Vero Beach Regional Airport.
* * * * *	

* * * * *

Dated: November 13, 2025.

Robert F. Altneu,*Director, Regulations & Disclosure Law
Division, Regulations & Rulings, Office of
Trade, U.S. Customs and Border Protection.*

[FR Doc. 2025–20007 Filed 11–14–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF JUSTICE**Drug Enforcement Administration****21 CFR Part 1308**

[Docket No. DEA–1246]

**Schedules of Controlled Substances:
Placement of 4-Chloromethcathinone
in Schedule I****AGENCY:** Drug Enforcement
Administration, Department of Justice.**ACTION:** Final rule.

SUMMARY: With the issuance of this final rule, the Drug Enforcement Administration places 4-chloromethcathinone (4–CMC, 1-(4-chlorophenyl)-2-(methylamino)propan-1-one), including its salts, isomers, and salts of isomers, in schedule I of the Controlled Substances Act. This action is being taken, in part, to enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. This action imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle 4-chloromethcathinone.

DATES: *Effective date:* December 17, 2025.**FOR FURTHER INFORMATION CONTACT:** Dr. Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362–3249.**SUPPLEMENTARY INFORMATION:****Legal Authority**

The United States is a party to the 1971 United Nations Convention on Psychotropic Substances (1971 Convention), Feb. 21, 1971, 32 U.S.T. 543, 1019 U.N.T.S. 175, as amended. Procedures respecting changes in drug schedules under the 1971 Convention are governed domestically by 21 U.S.C. 811(d)(2)–(4). When the United States

receives notification of a scheduling decision pursuant to Article 2 of the 1971 Convention indicating that a drug or other substance has been added to a schedule specified in the notification, the Secretary of Health and Human Services (Secretary),¹ after consultation with the Attorney General, shall first determine whether existing legal controls under subchapter I of the Controlled Substances Act (CSA) and the Federal Food, Drug, and Cosmetic Act meet the requirements of the schedule specified in the notification with respect to the specific drug or substance.² In the event that the Secretary did not so consult with the Attorney General, and the Attorney General did not issue a temporary order, as provided under 21 U.S.C. 811(d)(4), the procedures for permanent scheduling set forth in 21 U.S.C. 811(a) and (b) control.

Pursuant to 21 U.S.C. 811(a)(1) and (2), the Attorney General (as delegated to the Administrator of the Drug Enforcement Administration (DEA) pursuant to 28 CFR 0.100) may, by rule, and upon the recommendation of the Secretary, add to such a schedule or transfer between such schedules any drug or other substance, if he finds that such drug or other substance has a potential for abuse, and makes with respect to such drug or other substance the findings prescribed by 21 U.S.C. 812(b) for the schedule in which such drug or other substance is to be placed.

Background

4-Chloromethcathinone (4–CMC) is a central nervous system stimulant that shares structural and pharmacological similarities with schedule I synthetic cathinones such as 4-methylethcathinone (4–MEC), 4-fluoromethcathinone (4–FMC), and 3-fluoromethcathinone (3–FMC), and schedule II stimulants such as amphetamine and methamphetamine. On May 7, 2020, the Secretary-General of the United Nations advised the Secretary of State of the United States that the Commission on Narcotic Drugs (CND) voted to place 4–CMC in Schedule II of the 1971 Convention during its 63rd session held in March 2020 (CND Dec/63/9).

¹ As discussed in a memorandum of understanding entered into by the FDA and the National Institute on Drug Abuse (NIDA), FDA acts as the lead agency within HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518 (Mar. 8, 1985). The Secretary has delegated to the Assistant Secretary for Health of HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460 (July 1, 1993).

² 21 U.S.C. 811(d)(3).

As a signatory to the 1971 Convention, the United States is required, by scheduling under the CSA, to place appropriate controls on 4–CMC to meet the minimum requirements of the treaty. Because the procedures in 21 U.S.C. 811(d)(3) and (4) for consultation and issuance of a temporary order for 4–CMC, discussed in the above legal authority section, were not followed, DEA is utilizing the procedures for permanent scheduling set forth in 21 U.S.C. 811(a) and (b) to control 4–CMC. Such scheduling would satisfy the United States' international obligations.

DEA and HHS Eight Factor Analyses

In a letter dated December 22, 2022, in accordance with 21 U.S.C. 811(b), and in response to DEA's May 12, 2021, request, Department of Health and Human Services (HHS) provided to DEA a scientific and medical evaluation and scheduling recommendation for 4–CMC. DEA reviewed the scientific and medical evaluation and scheduling recommendation for schedule I placement provided by HHS, and all other relevant data, pursuant to 21 U.S.C. 811(b) and (c), and conducted its own analysis under the eight factors stipulated in 21 U.S.C. 811(c). DEA found, under 21 U.S.C. 811(b)(1), that this substance warrants control in schedule I. Both DEA and HHS Eight-Factor analyses are available in their entirety under the tab Supporting Documents of the public docket for this action at <https://www.regulations.gov> under docket number DEA–1246.

**Notice of Proposed Rulemaking to
Schedule 4–CMC**

On December 30, 2024, DEA published a notice of proposed rulemaking (NPRM) to permanently control 4–CMC in schedule I.³ Specifically, DEA proposed to add 4–CMC to the list of hallucinogenic substances under 21 CFR 1308.11(d). The NPRM provided an opportunity for interested persons to file a request for hearing in accordance with DEA regulations on or before January 29, 2025. DEA did not receive any requests for such a hearing. The NPRM also provided an opportunity for interested persons to submit comments on or before January 29, 2025.

Comments Received

DEA received one comment in response to the NPRM for the placement of 4–CMC into schedule I of the CSA. The submission was from an

³ Schedules of Controlled Substances: Placement of 4-Chloromethcathinone in Schedule I, 89 FR 106376 (Dec. 30, 2024).

anonymous commenter against the placement of 4-CMC in schedule I of the CSA in part due to potential medical use of this substance that has yet to be investigated since it is a new substance. This commenter opined that adding 4-CMC to schedule I would make it difficult to do future research for potential medical use. The commenter also made a comparison of the fewer number of law enforcement encounters to fentanyl and noted that other substances that are not controlled under the CSA have a higher prevalence of recreational use.

DEA Response: DEA appreciates this comment and would like to provide further clarification regarding the control of 4-CMC. 4-CMC has been placed under international control. In order to comply with treaty obligations, DEA must place 4-CMC under the most appropriate schedule, taking into consideration all appropriate scientific data. Additionally, as set forth in the NPRM, 4-CMC has no currently accepted medical use in treatment in the United States, nor were there any New Drug Applications. Therefore, 4-CMC must be placed in schedule I of the CSA along with other substances which have no currently accepted medical use, lack accepted safety for use under medical supervision, and possess a high potential for abuse. With respect to research for potential medical use, the placement of substances in schedule I of the CSA does not preclude academic research on these substances.⁴ DEA registrants wishing to conduct research on schedule I substances may apply for permission to do so through the schedule I researcher registration program.⁵

Scheduling Conclusion

After consideration of the public comment, scientific and medical evaluation and accompanying scheduling recommendation from HHS, and after its own eight-factor evaluation, DEA finds that these facts and all relevant data constitute substantial evidence of potential for abuse of 4-CMC. As such, DEA is permanently scheduling 4-CMC as a controlled substance under schedule I of the CSA. The permanent scheduling of 4-CMC fulfills the United States' obligations as a party to the 1971 Convention.

Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA

also specifies the findings required to place a drug or other substance in any particular schedule, 21 U.S.C. 812(b). After consideration of the analysis and recommendation of the then Assistant Secretary for Health of HHS and review of all other available data, the Administrator of DEA, pursuant to 21 U.S.C. 812(b)(1), finds that:

(1) 4-CMC has a high potential for abuse that is comparable to other scheduled substances, such as schedule I synthetic cathinones, methamphetamine, and MDMA.

(2) 4-CMC has no currently accepted medical use in treatment in the United States. In HHS' 2022 recommendation to control 4-CMC, it was noted there are no approved New Drug Applications for 4-CMC and no known therapeutic applications for 4-CMC in the United States. DEA is not aware of any other evidence suggesting that 4-CMC has a currently accepted medical use in treatment in the United States.⁶

(3) There is a lack of accepted safety for use of 4-CMC under medical supervision. Because 4-CMC has no

⁶ When placing a substance in schedule I, DEA must consider whether the substance has a currently accepted medical use in treatment in the United States. 21 U.S.C. 812(b)(1)(B). There is no evidence suggesting that 4-CMC has a currently accepted medical use in treatment in the United States. To determine whether a drug or other substance has a currently accepted medical use, DEA has traditionally applied a five-part test to a drug or substance that has not been approved by the FDA: i. The drug's chemistry must be known and reproducible; ii. there must be adequate safety studies; iii. there must be adequate and well-controlled studies proving efficacy; iv. the drug must be accepted by qualified experts; and v. the scientific evidence must be widely available. See *Marijuana Scheduling Petition; Denial of Petition; Remand*, 57 FR 10499 (Mar. 26, 1992), pet. for rev. denied, *Alliance for Cannabis Therapeutics v. Drug Enforcement Admin.*, 15 F.3d 1131, 1135 (D.C. Cir. 1994). DEA and HHS applied the traditional five-part test for currently accepted medical use in this matter. In a recent published letter in a different context, HHS applied an additional two-part test to determine currently accepted medical use for substances that do not satisfy the five-part test: (1) whether there exists widespread, current experience with medical use of the substance by licensed health care practitioners operating in accordance with implemented jurisdiction-authorized programs, where medical use is recognized by entities that regulate the practice of medicine, and, if so, (2) whether there exists some credible scientific support for at least one of the medical conditions for which part (1) is satisfied. On April 11, 2024, the Department of Justice's Office of Legal Counsel (OLC) issued an opinion, which, among other things, concluded that HHS's two-part test would be sufficient to establish that a drug has a currently accepted medical use. Office of Legal Counsel, Memorandum for Merrick B. Garland Attorney General Re: Questions Related to the Potential Rescheduling of Marijuana at 3 (April 11, 2024). For purposes of this final rule, there is no evidence that health care providers have widespread experience with medical use of 4-CMC or that the use of 4-CMC is recognized by entities that regulate the practice of medicine under either the traditional five-part test or the two-part test.

approved medical use and has not been investigated as a new drug, its safety for use under medical supervision has not been determined.

Based on these findings, the Administrator of DEA concludes that 4-CMC, as well as its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, warrants control in schedule I of the CSA.

Requirements for Handling 4-CMC

4-CMC is subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, import, export, engagement in research, conduct instructional activities or chemical analysis with, and possession of schedule I controlled substances, including the following:

1. Registration. Any person who handles (manufactures, distributes, reverse distributes, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses), or who desires to handle, 4-CMC must register with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312. Any person who currently handles 4-CMC and is not registered with DEA must submit an application for registration and may not continue to handle 4-CMC, unless DEA has approved that application for registration pursuant to 21 U.S.C. 822, 823, 957, 958, and in accordance with 21 CFR parts 1301 and 1312. Retail sales of schedule I controlled substances to the general public are not allowed under the CSA. Possession of any quantity in a manner not authorized by the CSA is unlawful and those in possession of any quantity may be subject to prosecution pursuant to the CSA.

2. Disposal of stocks. Any person unwilling or unable to obtain a schedule I registration must surrender or transfer all quantities of currently held 4-CMC to a person registered with DEA before the effective date of the final scheduling action in accordance with all applicable Federal, State, local, and Tribal laws. 4-CMC must be disposed of in accordance with 21 CFR part 1317, in addition to all other applicable Federal, State, local, and Tribal laws.

3. Security. 4-CMC is subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.71–1301.76, as of the effective date of this final scheduling action. Non-practitioners handling 4-CMC must comply with the employee

⁴ 21 U.S.C. 823(g)(2)(A).

⁵ <https://apps.deadiversion.usdoj.gov/webforms2/spring/login?execution=e1s1>.

screening requirements of 21 CFR 1301.90 through 1301.93.

4. *Labeling and Packaging.* All labels, labeling, and packaging for commercial containers of 4-CMC must comply with 21 U.S.C. 825 and be in accordance with 21 CFR part 1302.

5. *Quota.* Generally, only registered manufacturers are permitted to manufacture 4-CMC in accordance with a quota assigned pursuant to 21 U.S.C. 826, and in accordance with 21 CFR part 1303.

6. *Inventory.* Every DEA registrant who possesses any quantity of 4-CMC must take an inventory of 4-CMC on hand, pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11(a) and (d).

Any person who registers with DEA must take an initial inventory of all stocks of controlled substances (including 4-CMC) on hand on the date the registrant first engages in the handling of controlled substances, pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11(a) and (b).

After the initial inventory, every DEA registrant must take an inventory of all controlled substances (including 4-CMC) on hand every two years, pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

7. *Records and Reports.* Every DEA registrant must maintain records and submit reports for 4-CMC, or products containing 4-CMC, pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1301.74(b) and (c), 1301.76(b), and parts 1304, 1312 and 1317. Manufacturers and distributors must submit reports regarding 4-CMC to the Automation of Reports and Consolidated Order System pursuant to 21 U.S.C. 827 and in accordance with 21 CFR parts 1304 and 1312.

8. *Order Forms.* Every DEA registrant who distributes 4-CMC must comply with the order form requirements, pursuant to 21 U.S.C. 828 and 21 CFR part 1305.

9. *Importation and Exportation.* All importation and exportation of 4-CMC must comply with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR parts 1304 and 1312.

10. *Liability.* Any activity involving 4-CMC not authorized by, or in violation of, the CSA or its implementing regulations, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866, 13563, and 14192 (Regulatory Review)

In accordance with 21 U.S.C. 811(a), this final scheduling action is subject to formal rulemaking procedures performed “on the record after opportunity for a hearing,” which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the procedures and criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget (OMB) pursuant to section 3(d)(1) of Executive Order (E.O.) 12866 and the principles. DEA scheduling actions are not subject to E.O. 14192, *Unleashing Prosperity Through Deregulation*.

Executive Order 14294 (Overcriminalization of Federal Regulations)

Executive Order 14294 specifies that all notices of proposed rulemaking (NPRMs) and final rules published in the **Federal Register**, the violation of which may constitute criminal regulatory offenses, should include a statement identifying that the rule or proposed rule is a criminal regulatory offense, the authorizing statute, and the mens rea requirement for each element of the offense. This final rule does not involve a criminal regulatory offense and thus E.O. 14294 does not apply.

Executive Order 12988, Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This rulemaking does not have federalism implications warranting the application of E.O. 13132. The rule does not have substantial direct effects on the states, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This rule does not have Tribal implications warranting the application of E.O. 13175. 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.

Regulatory Flexibility Act

The Administrator of DEA, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601–612, has reviewed this final rule, and by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities.

DEA is placing the substance 4-CMC (chemical name: 1-(4-chlorophenyl)-2-(methylamino)propan-1-one), including its salts, isomers, and salts of isomers, in schedule I of the CSA to enable the United States to meet its obligations under the 1971 Convention. This action imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle 4-CMC.

Based on the review of HHS’s scientific and medical evaluation and all other relevant data, DEA determined that 4-CMC has high potential for abuse, has no currently accepted medical use in treatment in the United States, and lacks accepted safety for use under medical supervision. There appear to be no legitimate sources for 4-CMC as a marketed drug in the United States, but DEA notes that this substance is available for purchase from legitimate suppliers for scientific research. There is no evidence of significant diversion of 4-CMC from legitimate suppliers. Therefore, this final rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information requirement under the Paperwork Reduction Act of 1995.⁷ This action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. However, this rule requires compliance with the following existing OMB collections: 1117–0003, 1117–0004, 1117–0006, 1117–0008, 1117–0009, 1117–0010, 1117–0012, 1117–0014, 1117–0021, 1117–0023, 1117–0029, and 1117–0056. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it

⁷ 44 U.S.C. 3501 through 3521.

displays a currently valid OMB control number.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1532, DEA has determined that this action would not result in any Federal mandate that may result “in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year.” Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Congressional Review Act

This rule is not a major rule as defined by the Congressional Review Act (CRA), 5 U.S.C. 804. However, pursuant to the CRA, DEA is submitting a copy of this rule to both Houses of Congress and to the Comptroller General.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. Amend § 1308.11 by adding paragraph (d)(106) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

(106) 4-Chloromethcathinone (4-CMC, 1-(4-chlorophenyl)-2-(methylamino)propan-1-one) 1239

* * * * *

Signing Authority

This document of the Drug Enforcement Administration was signed on October 1, 2025, by Administrator Terrance Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–20004 Filed 11–14–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 660

[Docket No. FHWA–2025–0014]

RIN 2125–AG20

Rescinding Requirements Regarding the Forest Highway Program

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FHWA is rescinding the regulations regarding the Forest Highway Program.

DATES: This final rule is effective December 17, 2025.

FOR FURTHER INFORMATION CONTACT: Corey Bobba, Office of Federal Lands Highways, (202) 366–9489, corey.bobba@dot.gov; or James Esselman, Office of the Chief Counsel, (202) 366–6181, james.esselman@dot.gov, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

An electronic copy of this document, as well as the notice of proposed rulemaking, and all comments received may be viewed online through the Federal eRulemaking portal at www.regulations.gov. An electronic copy of this document may also be downloaded from the Office of Federal Register’s website at www.federalregister.gov and the U.S. Government Publishing Office’s website at www.GovInfo.gov.

I. General Discussion

In 1958, Congress codified Title 23 of the United States Code (U.S.C.). Public Law 85–767. The Forest Highway Program was codified at 23 U.S.C. 204, along with separate categories for forest development roads and trails (23 U.S.C. 205), park roads and trails (23 U.S.C. 206), parkways (23 U.S.C. 207), Indian reservation roads (23 U.S.C. 208), and public lands highways (23 U.S.C. 209). Under the system at the time, each

program received separate appropriations, which the Secretary of Transportation allocated under a previous version of 23 U.S.C. 202. Per the version of 23 U.S.C. 204 that existed at the time, the Secretary of Transportation was authorized to use funds available for forest highways to pay for the cost of construction and maintenance thereof. On May 1961, the Bureau of Public Roads, the predecessor to FHWA, issued regulations for administering the Forest Highway Program under title 23 CFR part 15. *See* 26 FR 4608. These regulations prescribed rules regarding the forest highway system, the Forest Highway Program, and surveys, construction, and maintenance of forest highways. In 1974, this part was later redesignated 23 CFR part 660, subpart A. *See* 39 FR 10429 (Mar. 20, 1974).

On January 6, 1983, Congress enacted the Surface Transportation Assistance Act of 1982 (1982 STAA) (Pub. L. 97–424). Section 126(b) of the 1982 STAA revised 23 U.S.C. 204, combining the previously separately codified programs for “forest highways, public lands highways, park roads, parkways, and Indian reservation roads” into a single Federal lands highway program under 23 U.S.C. 204. Under the structure of the 1982 STAA, however, Congress continued to appropriate funds for the programs separately, including for the Forest Highway Program.

On December 18, 1991, Congress enacted the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Section 1032 of ISTEA combined the Forest Highway Program with the public lands highway program; thus, instead of receiving a separate appropriation for forest highways and

public lands highways, FHWA would receive a single appropriation for public lands highways, which could then be used on forest highways. In response to these changes, FHWA revised the Forest Highway Program regulations at 23 CFR part 660, subpart A in 1994, which are the most recent revisions to this subpart. 59 FR 30296 (June 13, 1994).

Congress subsequently modified the Federal lands highway program as part of the Moving Ahead for Progress in the 21st Century Act (MAP-21) (Pub. L. 112-141) (July 6, 2012). MAP-21 replaced the single Federal lands highway program under 23 U.S.C. 204 with the Tribal Transportation Program (TTP) (23 U.S.C. 202), Federal Lands Transportation Program (FLTP) (23 U.S.C. 203) and Federal Lands Access Program (FLAP) (23 U.S.C. 204). Under this new model, instead of being appropriated funds under the public lands highway category of the Federal lands highway program, Congress has appropriated funding for TTP, FLTP, and FLAP, which can then be used for certain projects on, accessing, or adjacent to Tribal and Federal public lands in accordance with each program's requirements.

As such, the regulations in 23 CFR part 660, subpart A are outdated. For instance, § 660.101 refers to forest highways "funded under the public lands highway category of the coordinated Federal Lands Highway Program," which, as noted above, no longer occurs. Similarly, § 660.107 refers to allocations of public lands highway funds for forest highways, which again is a process that no longer occurs under statute. Other regulations, including §§ 660.105 and 660.109 do not reflect the current project delivery process under TTP, FLTP, and FLAP. Finally, FHWA does not believe that regulations concerning general project delivery, such as § 660.112, 660.113, 660.115, and 660.117, are necessary specifically for forest highways. TTP, FLTP, and FLAP cover a broader range of projects than just forest highways, and FHWA has not found similar regulations necessary in those cases. Accordingly, FHWA is eliminating 23 CFR part 660, subpart A.

On May 30, 2025, at 90 FR 22881, FHWA published a Notice of Proposed Rulemaking (NPRM) proposing to rescind 23 CFR part 660, subpart A and sought comment on all aspects of that proposal. FHWA received two comment submissions on its NPRM: one requesting a language clarification and one urging the elimination of the Forest Highway Program. The language clarification has been made below in the Executive Order (E.O.) 12866 section to

clarify that these regulations were being removed. With regard to the second comment, as noted above, MAP-21 replaced the single Federal lands highway program under 23 U.S.C. 204 with the TTP (23 U.S.C. 202), FLTP (23 U.S.C. 203), and FLAP (23 U.S.C. 204). This change effectively eliminated the Forest Highway Program but allows for eligible expenses to be funded under TTP, FLTP, and FLAP in accordance with each program's requirements. Comments pertaining to the eligibility under these programs is outside the scope of this rulemaking. As such, FHWA adopts the proposal without change.

II. Rulemaking Analyses and Notices

A. Executive Orders 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This rule does not meet the criteria of a "significant regulatory action" under E.O. 12866, as amended. Therefore, the Office of Management and Budget (OMB) has not reviewed this rule under those orders.

This rulemaking would remove requirements for projects that are not currently funded. While FHWA any monetary benefits or costs to this rule would be minimal, it could reduce burdens for regulated entities because it removes irrelevant and obsolete text from the regulations. FHWA requested comments on any impacts that could result from removing the provisions identified but did not receive any additional information.

These changes would not adversely affect, in a material way, any sector of the economy. In addition, these changes would not interfere with any action taken or planned by another agency and would not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. Consequently, a full regulatory evaluation is not required.

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This final rule is an E.O. 14192 deregulatory action. Cost-savings are not quantified.

C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601-612) (as amended by the Small Business Regulatory Enforcement Fairness Act of 1996; 5 U.S.C. 601 *et seq.*), Agencies must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small government

jurisdictions). No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. FHWA has concluded and hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities; therefore, an analysis is not included. This rescission removes outdated requirements regarding the Forest Highway Program, which is no longer a separate program under statute.

D. Unfunded Mandates Reform Act

This rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4, 109 Stat. 48) for State, local and Tribal governments, or the private sector of \$100 million or more in any one year, adjusted for inflation. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 13132 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132. FHWA has determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. FHWA has also determined that this action would not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

F. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number. This rule is deregulatory and so would not impose any additional information collection requirements.

G. National Environmental Policy Act

FHWA has analyzed this rulemaking pursuant to the National Environmental Policy Act (NEPA) and has determined that it is categorically excluded under 23 CFR 771.117(c)(2), which applies to the promulgation of rules, regulations, and directives. Categorically excluded actions meet the criteria for categorical exclusions under 23 CFR 771.117(a) and normally do not require any further NEPA approvals by FHWA. This rule would rescind regulations regarding the Forest Highway Program, which is no

longer a separate program under statute. FHWA does not anticipate any adverse environmental impacts from this rule, and no unusual circumstances are present under 23 CFR 771.117(b).

H. Executive Order 13175 (Tribal Consultation)

E.O. 13175 requires Federal Agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that 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. FHWA has assessed the impact of this rule on Indian Tribes and determined that this rule would not have Tribal implications that require consultation under E.O. 13175.

I. Regulation Identifier Number

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in the spring and fall of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

J. Rulemaking Summary, 5 U.S.C. 553(b)(4)

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at *regulations.gov*, under the docket number.

List of Subjects in 23 CFR Part 660

Government contracts, Grant programs—transportation, Highway safety, Highways and roads, Reporting and recordkeeping requirements, Traffic regulations.

Issued in Washington, DC, under authority delegated in 49 CFR 1.85.

Sean McMaster,
Administrator, Federal Highway Administration.

For the reasons stated in the preamble, FHWA amends 23 CFR part 660 as set forth below.

PART 660—SPECIAL PROGRAMS (DIRECT FEDERAL)

- 1. Add an authority citation for part 660 to read as follows:

Authority: 23 U.S.C. 210, 315; 49 CFR 1.48.

Subpart A—[Removed and Reserved]

- 2. Remove and reserve subpart A, consisting of §§ 660.101 through 660.117.

[FR Doc. 2025–19905 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 970

[Docket Number FHWA–2025–0015]

RIN 2125–AG21

Rescinding Regulations Regarding Management Systems Pertaining to the National Park Service and the Park Roads and Parkways Program

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FHWA is rescinding the regulations regarding the Federal Lands Highway Program, and the management systems for the National Park Service and the Park Roads and Parkways Program.

DATES: This final rule is effective December 17, 2025.

FOR FURTHER INFORMATION CONTACT:

Corey Bobba, Office of Federal Lands Highways, (202) 366–9489, corey.bobba@dot.gov; or Jim Esselman, Office of the Chief Counsel, (202) 366–6181, james.esselman@dot.gov, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

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I. General Discussion

FHWA is rescinding the rule issued on February 27, 2004, Federal Lands Highway Program; Management

Systems Pertaining to the National Park Service and the Park Roads and Parkways Program, via 69 FR 9470, amending title 23 CFR part 970. That rule provided for the development and implementation of safety, bridge, pavement, and congestion management systems for transportation facilities under National Park Service (NPS) jurisdiction and funded under the Federal Lands Highway Program (FLHP) as required by the Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178) (June 9, 1998). For the reasons explained below, FHWA has determined that this part is unnecessary and will rescind it in full.

Section 1115(d)(1) of TEA–21 amended the version of Title 23 U.S.C. 204 that existed at the time to add a paragraph (a)(6) stating: “The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highway program.” The roads funded under the FLHP included the Park Roads and Parkways (PRP) program. Through 23 CFR part 970, FHWA addressed the management systems for the NPS and the PRP program. *See* 69 FR at 9470.

On July 6, 2012, Congress enacted the Moving Ahead for Progress in the 21st Century Act (MAP–21) (Pub. L. 112–141). Section 1119(a) of MAP–21 removed the FLHP under 23 U.S.C. 204, replacing that program with the Tribal Transportation Program (TTP) (23 U.S.C. 202), the FLTP (23 U.S.C. 203), and the Federal Lands Access Program (FLAP) (23 U.S.C. 204). In doing so, Congress repealed the previous version of 23 U.S.C. 204(a)(6) and replaced it with a similar provision at 23 U.S.C. 201(c)(5), which has remained unchanged. Under that provision, FHWA “and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, implement safety, bridge, pavement, and congestion management systems for facilities funded under the tribal transportation program and the Federal lands transportation program in support of asset management.”

The current regulations have become outdated due to subsequent statutory changes, and FHWA has issued more up-to-date guidance.¹ FHWA also finds it significant that Congress, in enacting MAP–21, retained the same general requirements for asset management in 23 U.S.C. 201(c)(5) but replaced the

¹ <https://highways.dot.gov/federal-lands/transportation>.

phrase “develop by rule” with the word “implement.” To the extent that FHWA and Federal land management agencies agree that safety, bridge, pavement, and congestion management systems are appropriate for certain facilities, FHWA believes such systems can be implemented without the need for regulations.

On May 30, 2025, at 90 FR 22883, FHWA published an NPRM proposing to remove 23 CFR part 970 and sought comment on all aspects of that proposal. FHWA received one comment submission on its proposal urging FHWA to specifically consider the impacts to standardization, accountability, and data-driven planning in the rulemaking process. As outlined above, the statutory basis for the existing rulemaking no longer exists. The statutory provisions for the TTP (23 U.S.C. 202), the FLTP (23 U.S.C. 203), and the FLAP (23 U.S.C. 204), which replaced the prior statutory language, in addition to the existing guidance, provide the necessary framework to ensure these goals. As such, this final rule adopts the proposal without change.

II. Rulemaking Analyses and Notices

A. Executive Orders 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This rule does not meet the criteria of a “significant regulatory action” under Executive Order (E.O.) 12866, as amended. Therefore, the Office of Management and Budget (OMB) has not reviewed this rule under those orders.

This rule would rescind outdated regulations regarding asset management. It could result in some cost savings for the NPS, but FHWA does not have the data to estimate the reduction in costs that would result from this rule. The Agency requested comment on any impacts that could result from removing the provisions identified in it NPRM, but did not receive any additional information.

These changes would not adversely affect, in a material way, any sector of the economy. In addition, these changes would not interfere with any action taken or planned by another agency and would not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. Consequently, a full regulatory evaluation is not required.

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This rule is an E.O. 14192 deregulatory action. Cost savings are not quantified.

C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by the Small Business Regulatory Enforcement Fairness Act of 1996; 5 U.S.C. 601 *et seq.*), agencies must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rulemaking on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). No regulatory flexibility analysis is required, however, if the head of an agency or an appropriate designee certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. FHWA has concluded and hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities; therefore, an analysis is not included. This rule would only remove regulations governing management systems that guide the NPS in developing transportation plans and making resource allocation decisions.

D. Unfunded Mandates Reform Act

This rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4, 109 Stat. 48) for State, local and Tribal governments, or the private sector of \$100 million or more in any one year, adjusted for inflation. Thus, the rulemaking is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 13132 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132. FHWA has determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. FHWA has also determined that this action does not preempt any State law or State regulation or affect the States’ ability to discharge traditional State governmental functions.

F. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number. This rule is deregulatory and so would not impose any additional information collection requirements.

G. National Environmental Policy Act

FHWA has analyzed this rule pursuant to the National Environmental Policy Act (NEPA) and has determined that it is categorically excluded under 23 CFR 771.117(c)(2), which applies to the promulgation of rules, regulations, and directives. Categorically excluded actions meet the criteria for categorical exclusions under 23 CFR 771.117(a) and normally do not require any further NEPA approvals by FHWA. This rule would remove requirements regarding safety, bridge, pavement, and congestion management systems that are currently outdated. FHWA does not anticipate any adverse environmental impacts from this rule, and no unusual circumstances are present under 23 CFR 771.117(b).

H. Executive Order 13175 (Tribal Consultation)

E.O. 13175 requires Federal Agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that 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. FHWA has assessed the impact of this rule on Indian Tribes and determined that this rule would not have Tribal implications that require consultation under E.O. 13175.

I. Regulation Identifier Number

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in the spring and fall of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

J. Rulemaking Summary, 5 U.S.C. 553(b)(4)

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at [regulations.gov](https://www.regulations.gov), under the docket number.

List of Subjects in 23 CFR Part 970

Bridges, Congestion management, Grant program—transportation, Highways and roads, Management systems, National parks, Pavement management, Public lands, Safety management, Transportation.

Issued in Washington, DC, under authority delegated in 49 CFR 1.85.

Sean McMaster,
Administrator, Federal Highway
Administration.

PART 970—[REMOVED AND RESERVED]

For the reasons stated in the preamble, under the authority of 23 U.S.C. 315, FHWA removes and reserves 23 CFR part 970.

[FR Doc. 2025–19906 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 971

[Docket Number FHWA–2025–0016]

RIN 2125–AG22

Rescinding Regulations Regarding Management Systems Pertaining to the Forest Service and the Forest Highway Program

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FHWA rescinds the regulations regarding the Federal Lands Highway Program (FLHP), and the management systems for the Forest Service and the Forest Highway Program.

DATES: This final rule is effective December 17, 2025.

FOR FURTHER INFORMATION CONTACT: Corey Bobba, Office of Federal Lands Highways, (202) 366–9489, corey.bobba@dot.gov; or James Esselman, Office of the Chief Counsel, (202) 366–6181, james.esselman@dot.gov, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

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Electronic Access and Filing

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of Federal Register's website at www.federalregister.gov and the U.S. Government Publishing Office's website at www.GovInfo.gov.

I. General Discussion

FHWA is rescinding the rule issued on February 27, 2004, Federal Lands Highway Program; Management Systems Pertaining to the Forest Service and the Forest Highway Program, via 69 FR 9476, amending title 23 CFR part 971. That rule provided for the development and implementation of safety, bridge, pavement, and congestion management systems for transportation facilities providing access to and within the National Forests and Grasslands and funded under the FLHP as required by the Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178) (June 9, 1998). FHWA has determined that this part is unnecessary and has rescinded it in full.

Section 1115(d)(1) of TEA–21 amended the version of 23 U.S.C. 204 that existed at the time to add a paragraph (a)(6) stating: “The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highway program.” The roads funded under the FLHP included Forest Highways. Through 23 CFR part 971, FHWA addressed the management systems for the Forest Service and the Forest Highway Program. *See* 69 FR at 9476–77.

On July 6, 2012, Congress enacted the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141). Section 1119(a) of MAP–21 removed the FLHP under 23 U.S.C. 204, replacing that program with the Tribal Transportation Program (23 U.S.C. 202), the Federal Lands Transportation Program (23 U.S.C. 203), and the Federal Lands Access Program (23 U.S.C. 204). In doing so, Congress repealed the previous version of 23 U.S.C. 204(a)(6) and replaced it with a similar provision at 23 U.S.C. 201(c)(5), which has remained unchanged. Under that provision, FHWA “and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, implement safety, bridge, pavement, and congestion management systems for facilities funded under the Tribal transportation program and the Federal lands transportation program in support of asset management.”

The current regulations have become outdated due to subsequent statutory changes, and FHWA has issued more up-to-date guidance. FHWA also finds it

significant that Congress, in enacting MAP–21, retained the same general requirements for asset management in 23 U.S.C. 201(c)(5) but replaced the phrase “develop by rule” with the word “implement.” To the extent that FHWA and Federal land management agencies agree that safety, bridge, pavement, and congestion management systems are appropriate for certain facilities, such systems can be implemented without the need for regulations.

On May 30, 2025, at 90 FR 22885, FHWA published an NPRM proposing to remove 23 CFR part 971 and sought comment on all aspects of that proposal. FHWA received two comments on its proposal, both of which were outside the scope of this rulemaking. As such, FHWA adopts the proposal without change.

II. Rulemaking Analyses and Notices

A. Executive Orders 12866 (Regulatory Planning and Review), and DOT Regulatory Policies and Procedures

This rule does not meet the criteria of a “significant regulatory action” under Executive Order (E.O.) 12866, as amended. Therefore, the Office of Management and Budget (OMB) has not reviewed this rule under those orders.

This rule would rescind outdated regulations regarding asset management. It could result in some cost savings for the Forest Service, but FHWA does not have the data to estimate the reduction in costs that would result from this rule. The Agency requested comment on any impacts that could result from removing the provisions identified in the NPRM, but did not receive any additional information.

These changes would not adversely affect, in a material way, any sector of the economy. In addition, these changes would not interfere with any action taken or planned by another agency and would not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. Consequently, a full regulatory evaluation is not required.

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This rule is not an E.O. 14192 regulatory action. Cost-savings are not quantified.

C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by the Small Business Regulatory Enforcement Fairness Act of 1996; 5 U.S.C. 601 *et seq.*), Agencies must prepare and make available for public comment a regulatory flexibility analysis that

describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. FHWA has concluded and hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities; therefore, an analysis is not included. This rule removes regulations governing management systems that guide the Forest Service in developing transportation plans and making resource allocation decisions.

D. Unfunded Mandates Reform Act

This rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4, 109 Stat. 48) for State, local and Tribal governments, or the private sector of \$100 million or more in any one year. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 13132 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132. FHWA has determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. FHWA has also determined that this action does not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

F. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number. This rule is deregulatory and so would not impose any additional information collection requirements.

G. National Environmental Policy Act

FHWA has analyzed this rule pursuant to the National Environmental Policy Act (NEPA) and has determined that it is categorically excluded under 23 CFR 771.117(c)(2), which applies to the promulgation of rules, regulations, and directives. Categorically excluded actions meet the criteria for categorical exclusions under 23 CFR 771.117(a) and normally do not require any further

NEPA approvals by FHWA. This rule would remove requirements regarding safety, bridge, pavement, and congestion management systems that are currently outdated. FHWA does not anticipate any adverse environmental impacts from this rule, and no unusual circumstances are present under 23 CFR 771.117(b).

H. Executive Order 13175 (Tribal Consultation)

E.O. 13175 requires Federal Agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that 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. FHWA has assessed the impact of this rule on Indian tribes and determined that this rule would not have tribal implications that require consultation under E.O. 13175.

I. Regulation Identifier Number

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in the spring and fall of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

J. Rulemaking Summary, 5 U.S.C. 553(b)(4)

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at [regulations.gov](https://www.regulations.gov), under the docket number.

List of Subjects in 23 CFR Part 971

Bridges, Grant program—transportation, Highways and roads, National forests, Public lands, Safety, Transportation.

Issued in Washington, DC, under authority delegated in 49 CFR 1.85.

Sean McMaster,

Administrator, Federal Highway Administration.

PART 971—[REMOVED AND RESERVED]

■ For the reasons stated in the preamble and under the authority of 23 U.S.C.

315, FHWA removes and reserves 23 CFR part 971.

[FR Doc. 2025–19904 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 973

[Docket Number FHWA–2025–0018]

RIN 2125–AG24

Rescinding Regulations Regarding Management Systems Pertaining to the Bureau of Indian Affairs and the Indian Reservation Roads Program

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FHWA is rescinding the regulations regarding the Federal Lands Highway Program, and the management systems for the Bureau of Indian Affairs and the Indian Reservation Roads Program.

DATES: This final rule is effective December 17, 2025.

FOR FURTHER INFORMATION CONTACT: For questions about this rule, please contact Corey Bobba, Office of Federal Lands Highways, (202) 366–9489, corey.bobba@dot.gov. For legal questions, please contact Ms. Michelle Andotra, FHWA Office of Chief Counsel, (404) 562–3679, or via email at Michelle.Andotra@dot.gov. Office hours for FHWA are from 8:00 a.m. to 4:30 p.m., eastern time (E.T.), Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document, as well as the notice of proposed rulemaking (NPRM), and all comments received may be viewed online at www.regulations.gov using the docket number listed above. Electronic retrieval assistance and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of Federal Register's website at www.federalregister.gov and the U.S. Government Publishing Office's website at www.GovInfo.gov.

I. General Discussion

FHWA is rescinding the rule that established regulations at 23 CFR part 973 concerning the Bureau of Indian Affairs and the Indian Reservation Roads Program, which was issued on

February 27, 2004, at 69 FR 9490. That rule provided for the development and implementation of safety, bridge, pavement, and congestion management systems for transportation facilities providing access to Indian lands and funded under the Federal Lands Highway Program (FLHP) as required by the Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178) (June 9, 1998). FHWA has determined that this part is unnecessary and is rescinding it in full.

Section 1115(d)(1) of TEA–21 amended the version of 23 U.S.C. 204 that existed at the time to add a paragraph (a)(6) stating: “The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highway program.” The roads funded under FLHP included Indian Reservation Roads. Through 23 CFR part 973, FHWA addressed the management systems for the Bureau of Indian Affairs (BIA) and the Indian Reservation Roads program. See 69 FR 9490–01.

On July 6, 2012, Congress enacted the Moving Ahead for Progress in the 21st Century Act (MAP–21) (Pub. L. 112–141). Section 1119(a) of MAP–21 removed FLHP under 23 U.S.C. 204, replacing that program with the Tribal Transportation Program (TTP) (23 U.S.C. 202), the Federal Lands Transportation Program (23 U.S.C. 203), and the Federal Lands Access Program (23 U.S.C. 204). In doing so, Congress repealed the previous version of 23 U.S.C. 204(a)(6) and replaced it with a similar provision at 23 U.S.C. 201(c)(5), which has remained unchanged. Under that provision, FHWA “and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, implement safety, bridge, pavement, and congestion management systems for facilities funded under the TTP and the Federal lands transportation program in support of asset management.”

The current regulations have become outdated due to subsequent statutory changes and have been superseded by the TTP. FHWA finds it significant that Congress, in enacting MAP–21, retained the same general requirements for asset management in 23 U.S.C. 201(c)(5) but replaced the phrase “develop by rule” with the word “implement.” To the extent that FHWA and Federal land management agencies agree that safety, bridge, pavement, and congestion management systems are appropriate for certain facilities, such systems can be

implemented without the need for regulations.

On May 30, 2025, at 90 FR 22889, FHWA published an NPRM proposing to rescind Part 973 and sought comment on all aspects of that proposal. FHWA did not receive any public comments on its proposal and now adopts the proposal without change.

II. Rulemaking Analyses and Notices

A. Executive Orders 12866 (Regulatory Planning and Review), and DOT Regulatory Policies and Procedures

This rule does not meet the criteria of a “significant regulatory action” under Executive Order (E.O.) 12866, as amended. Therefore, the Office of Management and Budget (OMB) has not reviewed this rule under those orders.

This rule would rescind outdated regulations regarding management systems pertaining to the Bureau of Indian Affairs (BIA) and the Indian Reservation Roads program. FHWA does not believe there are any costs to this rulemaking. FHWA anticipates some unquantified cost-savings associated with removal of unnecessary provisions from the CFR. In addition, it could result in some cost savings for the BIA, but FHWA does not have the data to estimate the reduction in costs that would result from this rulemaking. The Agency requested comment in the NPRM on any impacts that could result from removing the provisions identified, but did not receive any additional information.

These changes would not adversely affect, in a material way, any sector of the economy. In addition, these changes would not interfere with any action taken or planned by another agency and would not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. Consequently, a full regulatory evaluation is not required.

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This final rule is an E.O. 14192 deregulatory action. Cost-savings are not quantified.

C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by the Small Business Regulatory Enforcement Fairness Act of 1996; 5 U.S.C. 601 *et seq.*), agencies must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). No regulatory flexibility

analysis is required, however, if the head of an agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. FHWA has concluded and hereby certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities; therefore, an analysis is not included. This rule would only remove obsolete regulations that had provided for the development and implementation of management systems for the Indian Reservation Roads program funded under FLHP, as required by an outdated and superseded statutory provision.

D. Unfunded Mandates Reform Act

This rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48) for State, local and Tribal governments, or the private sector of \$100 million or more in any one year, adjusted for inflation. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 13132 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132. FHWA has determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. FHWA has also determined that this action does not preempt any State law or State regulation or affect the States’ ability to discharge traditional State governmental functions.

F. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number. This rule is deregulatory and so would not impose any additional information collection requirements.

G. National Environmental Policy Act

FHWA has analyzed this rule pursuant to the National Environmental Policy Act (NEPA) and has determined that it is categorically excluded under 23 CFR 771.117(c)(20), which applies to the promulgation of rules, regulations, and directives. Categorically excluded actions meet the criteria for categorical exclusions under 23 CFR 771.117(a) and normally do not require any further NEPA approvals by FHWA. This rule would remove requirements regarding

management systems that are currently outdated. FHWA does not anticipate any adverse environmental impacts from this rule, and no unusual circumstances are present under 23 CFR 771.117(b).

H. Executive Order 13175 (Tribal Consultation)

E.O. 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that 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. FHWA has assessed the impact of this rule on Indian Tribes and determined that since this rulemaking would only remove outdated regulations that deal with a program that has been superseded by the TTP, this rulemaking would not have Tribal implications that require consultation under E.O. 13175 or DOT Order 5301.1A. This rule would only remove obsolete regulations, previously required by an outdated and superseded statutory provision. To the extent that FHWA and Federal land management agencies agree that management systems are appropriate for certain facilities, such systems can be implemented without the need for regulations under the authorities provided by TTP (23 U.S.C. 202), FLTP (23 U.S.C. 203), and FLAP (23 U.S.C. 204).

I. Regulation Identifier Number

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in the spring and fall of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

J. Rulemaking Summary, 5 U.S.C. 553(b)(4)

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at www.regulations.gov, under the docket number.

List of Subjects in 23 CFR Part 973

Bridges, Congestion management, Grant programs—transportation, Highways and roads, Indian Reservation roads, Management systems, Pavement

management, Public lands, Safety management, Transportation.

Issued in Washington, DC, under authority delegated in 49 CFR 1.85.

Sean McMaster,
Administrator, Federal Highway
Administration.

PART 973—[REMOVED AND RESERVED]

■ For the reasons stated in the preamble, under the authority of 23 U.S.C. 315, FHWA removes and reserves 23 CFR part 973.

[FR Doc. 2025–19903 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

[SATS No. OH–263–FOR; Docket ID: OSM–2021–0002; S1D1S SS08011000 SX064A000 252S180110; S2D2S SS08011000 SX064A000 25XS501520]

Ohio Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are approving an amendment to the Ohio regulatory program (Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The amendment revises Ohio's regulations to remove the requirement that a coal mining permit application include either the employment identification number or the last four digits of the Social Security number of a resident agent.

DATES: The effective date is December 17, 2025.

FOR FURTHER INFORMATION CONTACT: Thomas J. Koptchak, Field Office Director, Pittsburgh Field Office, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220; Telephone: (202) 513–7685; Email: tkoptchak@osmre.gov.

SUPPLEMENTARY INFORMATION:

- I. Background on the Ohio Program
- II. Submission of the Amendment
- III. OSMRE's Findings
- IV. Summary and Disposition of Comments
- V. OSMRE's Decision
- VI. Statutory and Executive Order Reviews

I. Background on the Ohio Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its approved State program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Ohio program on August 10, 1982 (effective August 16, 1982). You can find background information on the Ohio program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Ohio program in the August 10, 1982, **Federal Register** (47 FR 34717). You can also find later actions concerning the Ohio program and program amendments at 30 CFR 935.10, "State regulatory program approval;" 935.11, "Conditions of State regulatory program approval;" and 935.15, "Approval of Ohio regulatory program amendments."

II. Submission of the Amendment

By letter dated January 8, 2021 (Administrative Record No. OH 2199.01), Ohio sent us a proposed amendment to the Ohio program. The proposed amendment would revise the Ohio program regulations at Ohio Administrative Code (OAC) sections 1501:13–4–03 and 1501:13–5–01. The proposed amendment seeks to: (1) remove the requirement that a coal mining permit application include the employer identification number or the last four digits of the Social Security number (SSN) of a resident agent listed in the application; and (2) make one unrelated editorial correction.

We announced receipt of the proposed amendment in the **Federal Register** on April 28, 2021 (86 FR 22370). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. No hearing or meeting was requested, and, therefore, neither was held. The public comment period ended on May 28, 2021. We received no comments.

III. OSMRE's Findings

The following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. As described

below, we are approving the amendment.

OAC 1501:13-4-03 Permit Applications; Requirements for Legal, Financial, Compliance and Related Information

Ohio has proposed revising the regulations at OAC 1501:13-4-03(B)(1) by removing resident agent from the list of persons for whom a coal mining permit application must provide either an employer identification number or the last four digits of an SSN. Additionally, Ohio has proposed amending OAC 1501:13-4-03(B)(4) to require that each application other than a single proprietorship contain the name, address, and telephone numbers of the resident agent of the applicant who will accept service of process.

The requirement that an application provide an employer identification number or SSN for a listed resident agent was first proposed in the Federal regulations on May 28, 1987 (52 FR 20032) and finalized in our rulemaking on March 2, 1989 (54 FR 8982), which was commonly referred to as the “permit information rule.” That rulemaking revised section 30 CFR 778.13, “Identification of interests,” to add the SSN or employer identification number requirement along with a list of other persons or entities other than the applicant that would be required to provide this additional information. In that rule, we also explained that, because a taxpayer identification number (TIN) can either be a SSN or an employer identification number, we replaced “taxpayer identification number” from the proposed rule with the term “employer identification number” to avoid confusion. *See id.* at 8983.

After the new rules were published, the rulemaking became the subject of litigation, which resulted in the U.S. Court of Appeals for the D.C. Circuit invalidating our 1989 permit information rule in its entirety on grounds unrelated to the provision at issue here. *See National Mining Ass’n v. Interior*, 105 F.3d 691 (D.C. Cir. 1997).

We subsequently announced a new proposed rule in the **Federal Register** on December 21, 1998 (63 FR 70580). During the public comment period, we received comments stating that collection of this information would be burdensome for many of the listed parties, and commenters also challenged the legality of the provisions. In response, we removed in the final rule the resident agent from the list of those entities for which an application was required to provide an employer identification number or SSN. The final

rule published on December 19, 2000 (65 FR 79582).

As part of the revision, this section was renumbered from section 778.13 to section 778.11 and renamed “Providing applicant and operator information.” In 30 CFR 778.11, we required simply the taxpayer identification number, explaining that this term means the SSN, for individuals and the employer identification number for businesses.

Ohio is making these changes to the OAC to mirror the revised Federal regulations at 30 CFR 778.11. After the proposed provisions are revised, a resident agent will remain on the list of entities that need to provide contact information for permitting purposes under the addition to subsection (B)(4). The permit application will no longer be required to include the registered agent’s employer identification number or the last four digits of their SSN. Ohio also asserts that this information is not necessary for its own purposes, and, therefore, the proposed revisions would make no changes that affect its approved program.

OSMRE Finding: We have determined that the revised provisions OAC 1501:13-4-03(B)(1) and (B)(4) are substantively identical to, and, therefore, no less effective than, the Federal regulations at 30 CFR 778.11. With these changes Ohio seeks consistency with the Federal regulations and is simplifying the permitting process by removing unnecessary information from the application. Therefore, we are approving the revisions to OAC 1501:13-3-03.

Additionally, while reviewing this amendment we noticed that we have not before specifically addressed several minor revisions to subsection (B) that Ohio made in 2009. Those revisions clarified that an application need only include the employer identification number *or* the last four digits of the SSN for those relevant persons, rather than requiring the employer identification number for those relevant persons *and* allowing the application to include the SSN only for those who choose to provide them.

In our last two approvals of revisions to OAC 1501:13-4-03, which both pre-date and post-date Ohio’s 2009 revisions and our 2000 rulemaking, we found those provisions to be consistent with the Federal regulations. On April 19, 1991, we found that OAC 1501:13-4-03(B)(1) through (11) were “identical in meaning” to the corresponding Federal regulations. *See* 56 FR 16004 (Apr. 19, 1991). In 2015, following a complete side-by-side review of Ohio’s regulations (that included Ohio’s 2009 revisions) compared with the Federal

counterpart provisions, we elaborated in our findings that “[t]here are a few changes not addressed in the Findings because they involve minor clarifications or non-substantive corrections.” 80 FR 63120 (Oct. 19, 2015). To remove any doubt as to the effectiveness of OAC 1501:13-4-03 as currently phrased, and to reiterate that providing full or partial SSNs is not necessary in all cases, we clarify now that Ohio’s 2009 revisions were “minor clarifications or non-substantive corrections” referenced in our 2015 approval.

OAC 1501:13-5-01 Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions

Ohio is also proposing to make a non-substantive change to a reference contained within OAC 1501:13-5-01(E)(6). In response to amendments passed by Ohio’s State legislature in House Bill 64 (HB 64) (approved June 30, 2015), 2015 Ohio Laws 11, Ohio added a new paragraph to its regulations at OAC 1501:13-4-03(D)(2). This addition is the subject of a separate program amendment, OH-256-FOR, which is pending approval with OSMRE. *See* 85 FR 10638 (Feb. 25, 2020). If approved by OSMRE, the provision currently known as 1501:13-4-03(D)(2) will become 1501:13-4-03(D)(3). In anticipation of this approval and subsequent renumbering, Ohio has proposed to revise an existing reference to the renumbered section at OAC 1501:13-5-01(E)(6).

OSMRE Finding: We do not typically need to approve editorial updates to internal cross-references because either the reference update occurs when we approve the underlying substantive revisions or the prior reference was merely a typographical error and, therefore, its fix is not a change to the approved State program. Because the reference here relies on our decision on OH-256-FOR, we will, if necessary, address this cross-reference in our future decision on that amendment.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment but received none.

Federal Agency Comments

On January 11, 2021, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Ohio program

(Administrative Record No. OH 2199.02). We did not receive any comments.

V. OSMRE's Decision

Based on the above findings, we are approving Ohio's program amendment sent to us on January 8, 2021 (Administrative Record No. OH 2199.01).

To implement this decision, we are amending the Federal regulations at 30 CFR part 935 that codify decisions concerning the Ohio program. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication.

VI. Statutory and Executive Order Reviews

Executive Order 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights

This rule would not result in a taking of private property or otherwise have taking implications that would result in private property being taken for government use without just compensation under the law. Therefore, a takings implication assessment is not required. This determination is based on an analysis of the corresponding Federal regulations.

Executive Orders 12866—Regulatory Planning and Review and 13563—Improving Regulation and Regulatory Review

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance dated October 12, 1993 (OMB Memo M-94-3), the approval of State program amendments is exempted from OMB review under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has reviewed this rule as required by section 3 of Executive Order 12988. The Department determined that this **Federal Register** document meets the criteria of section 3 of Executive Order 12988. Section 3 is intended to ensure that the agency review its legislation and proposed regulations to eliminate drafting errors and ambiguity; that the agency write its legislation and regulations to minimize litigation; and that the agency's legislation and regulations provide a clear legal standard for affected conduct rather than a general standard, and promote simplification and burden reduction.

Because section 3 focuses on the quality of Federal legislation and regulations, the Department limited its review under this Executive Order to the quality of this **Federal Register** document and to changes to the Federal regulations. The review under this Executive Order did not extend to the language of the State regulatory program or to the program amendment that the State of Ohio drafted.

Executive Order 13132—Federalism

This rule has potential Federalism implications as defined under section 1(a) of Executive Order 13132. Executive Order 13132 directs agencies to "grant the States the maximum administrative discretion possible" with respect to Federal statutes and regulations administered by the States. Ohio, through its approved regulatory program, implements and administers SMCRA and its implementing regulations at the State level. This rule approves an amendment to the Ohio program submitted and drafted by the State, and thus is consistent with the direction to provide maximum administrative discretion to States.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on the distribution of power and responsibilities between the Federal Government and Tribes.

The basis for this determination is that our decision on the Ohio program does not include Indian lands as defined by SMCRA or other Tribal lands and does not affect the regulation of activities on Indian lands or other Tribal lands. Indian lands under SMCRA are regulated independently under the applicable Federal Indian program. The Department's consultation policy also acknowledges that our rules may have Tribal implications where the State proposing the amendment encompasses ancestral lands in areas with mineable coal. This amendment relates to information collected by Ohio about a registered agent in a permit application and would not affect any lands; therefore, we have concluded that no consultation based on ancestral lands is necessary.

Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Executive Order 13211 requires agencies to prepare a statement of energy effects for a rulemaking that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not a significant energy action under the definition in Executive Order 13211, a statement of energy effects is not required.

National Environmental Policy Act

Consistent with sections 501(a) and 702(d) of SMCRA (30 U.S.C. 1251(a) and 1292(d), respectively) and the Department of the Interior's Departmental Manual, part 516, section 13.5(A), State program amendments are not major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not include requests and requirements of an individual, partnership, or corporation to obtain information and report it to a Federal agency. As this rule does not contain information collection requirements, a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. This rule does allow Ohio to reduce its information collection requirements consistent with the existing Federal requirements.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Congressional Review Act

This rule is not a major rule under 5 U.S.C. 804(2). This rule: (a) does not have an annual effect on the economy of \$100 million; (b) will not cause a

major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to constitute a major rule.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments, or the private sector of more than \$100 million per year. The rule does not have a significant or

unique effect on State, local, or Tribal governments or the private sector. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to impose an unfunded mandate. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Ben Owens,

Acting Regional Director, Interior Regions 1 & 2.

For the reasons set out in the preamble, 30 CFR part 935 is amended as set forth below:

PART 935—OHIO

■ 1. The authority citation for part 935 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Section 935.15 is amended in the table by adding a new entry in chronological order by “Date of final publication” to read as follows:

§ 935.15 Approval of Ohio regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
		OAC 1501:13–4–03(B)(1), (B)(4).
* * *	* * *	* * *
January 8, 2021	November 17, 2025.	

[FR Doc. 2025–20019 Filed 11–14–25; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2023–0319; FRL–12959–01–OCSPP]

Fluazinam; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of fluazinam (CASRN 79622–59–6) in or on pear, Asian. Under the Federal Food, Drug, and Cosmetic Act (FFDCA), ISK Biosciences Corporation submitted a petition to EPA requesting that EPA establish a maximum permissible level for residues of this pesticide on in or on the identified commodity.

DATES: This regulation is effective on November 17, 2025. Objections and requests for hearings must be received on or before January 16, 2026 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of this document).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2023–0319, is available at <https://www.regulations.gov>. Additional

information about dockets generally, along with instructions for visiting the docket in person, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Charles Smith, Director, Registration Division (RD) (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: RD@EPA.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

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

If you have any questions regarding the applicability of this action to a particular entity, consult the person

listed under **FOR FURTHER INFORMATION CONTACT**.

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation

and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2023-0319 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before January 16, 2026. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

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

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2023-0319, by one of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- **Mail:** OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <https://www.epa.gov/dockets>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

II. Petitioned-For Tolerance

In the **Federal Register** of December 19, 2023 (88 FR 87733) (FRL-10579-11-OCSP), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3E9057) by ISK Biosciences Corporation, 7470 Auburn Rd., Suite A, Concord, Ohio 44077. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide fluazinam, (3-chloro-N-[3-(trifluoromethyl)phenyl]-5-(trifluoromethyl)-2-pyridinamine), in or on pear, Asian at 0.2 parts per million (ppm). That document referenced a summary of the petition prepared by ISK Biosciences Corporation, the registrant, which is available in the docket, <https://www.regulations.gov>. There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has modified the commodity definition to be consistent with Agency nomenclature.

III. Final Tolerance Action

A. Aggregate Risk Assessment and Determination of Safety

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

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

sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published three tolerance rulemakings for fluazinam (*i.e.*, November 7, 2012, rule (77 FR 66723) (FRL-9366-6), April 8, 2016, rule (81 FR 20545) (FRL-9942-99), and September 20, 2021 (86 FR 52077) (FRL-8664-01-OCSP)), in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to fluazinam and established tolerances for residues of that pesticide chemical. EPA is incorporating previously published sections from those rulemakings as described further in this rulemaking, as they remain unchanged.

B. Toxicological Profile

For a discussion of the Toxicological Profile of fluazinam, see Unit III.A. of the 2016 rulemaking establishing tolerances for residues of fluazinam in or on several commodities. The endpoint selection remains unchanged since that most recent comprehensive assessment. However, the hazard characterization was updated to clarify effects observed in the developmental neurotoxicity (DNT) study and how the doses at which they occurred compare to the doses selected for risk assessment. The guideline study database was re-evaluated to ensure that offspring were protected from effects which may occur after a single exposure in all studies, including at doses higher than the study no observed adverse effect level (NOAEL). There were effects observed in the developmental neurotoxicity study at doses similar to those used for the general population acute dietary point of departure (POD). Upon review, it was determined that the effects in question were either not attributable to a single exposure or were not appropriate to assess for the general population. The effects that are potentially relevant to an in utero acute exposure are adequately protected for by the POD selected for the females 13-49 assessment.

C. Toxicological Points of Departure/Levels of Concern

A summary of the toxicological points of departure/levels of concern used for the human health risk assessment, see Unit III.B. of the 2012 rulemaking establishing tolerances for residues of fluazinam in or on several commodities.

D. Exposure Assessment

1. **Dietary exposure from food and feed uses.** In evaluating dietary

exposure to fluazinam, EPA considered exposure under the petitioned-for tolerance as well as all existing fluazinam tolerances in 40 CFR 180.574. EPA assessed dietary exposures from fluazinam in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for fluazinam.

In estimating acute dietary exposure, EPA used the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM-FCID) Version 4.02, which uses the 2005–2010 food consumption data from the United States Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA utilized tolerance-level residues and 100 percent crop treated (PCT) for all commodities, default processing factors, and Estimated Drinking Water Concentrations (EDWCs), when appropriate.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment, EPA used the food consumption data from the USDA's 2005–2010 NHANES/WWEIA and DEEM-FCID; version 4.02. As to residue levels in food, EPA utilized a combination of tolerance-level residues, average field trial residues, mean residue values from the USDA Pesticide Data Program (PDP) monitoring data, empirical processing factors and/or default processing factors, and average PCT estimates, when appropriate.

iii. *Cancer.* Based on the toxicological profile in Unit III.A of the 2016 rulemaking, EPA has concluded that fluazinam does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA's estimated PCTs for existing uses are unchanged from the 2021 rulemaking establishing tolerances for residues of fluazinam in or on several commodities and can be found in Unit III of that rulemaking.

2. *Dietary exposure from drinking water.* For more discussion of the estimated drinking water concentrations for fluazinam, see Unit III. of the 2021 rulemaking.

3. *From non-dietary exposure.* See Unit III.C.3. of the 2016 rulemaking for a discussion of non-dietary exposure,

which included residential exposures to golf course turf.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to fluazinam and any other substances, and fluazinam does not appear to produce a toxic metabolite produced by other substances. For the purposes of this action, therefore, EPA has not assumed that fluazinam has a common mechanism of toxicity with other substances.

E. Safety Factor for Infants and Children

EPA continues to conclude that there is reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor. See Unit III.D. of the 2016 rulemaking for a discussion of the Agency's rationale for that determination.

F. Aggregate Risk and Determination of Safety

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

Acute dietary risks are below the Agency's level of concern of 100% of the aPAD: They are 33% of the aPAD for females 13 to 49 years old, the population subgroup with the highest risk estimate. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD, they are 99% of the cPAD for all infants, the population subgroup with the highest exposure estimate. The short-term aggregate risk assessments resulted in MOEs that are greater than the Agency's level of concern of 100 and therefore are not of concern. The MOEs are 500 for children 6 to less than 11 years old; 600 for youths 11 to less than 16 years old; and 550 for adults. Intermediate-term and long-term residential exposures are not expected.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to fluazinam residues. More

detailed information about the Agency's analysis can be found at <https://www.regulations.gov> in the document titled "Fluazinam. Human Health Risk Assessment for a Proposed Tolerance without U.S. Registration on Pear, Oriental." in docket ID number EPA–HQ–OPP–2023–0319.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A of the 2016 rulemaking.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for fluazinam in or on pear, Asian.

V. Conclusion

Therefore, tolerances are established for residues of fluazinam (3-chloro-N-[3-chloro-2,6-dinitro-4-(trifluoromethyl)phenyl]-5-(trifluoromethyl)-2-pyridinamine), in or on pear, Asian at 0.2 ppm.

VI. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

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

actions from review under Executive Order 12866.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

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

C. Paperwork Reduction Act (PRA)

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

D. Regulatory Flexibility Act (RFA)

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

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

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

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

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

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because tolerance actions like this one are exempt from review under Executive Order 12866. However, EPA's 2021 Policy on Children's Health applies to this action.

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

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

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

J. National Technology Transfer Advancement Act (NTTAA)

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

K. Congressional Review Act (CRA)

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

List of Subjects in 40 CFR Part 180

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

Dated: November 3, 2025.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

Therefore, EPA is amending 40 CFR chapter I as follows:

PART 180—[AMENDED]

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

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

■ 2. Amend § 180.574 by:

■ a. In Table 1 to Paragraph (a)(1):

■ i. Adding in alphabetical order an entry for “Pear, Asian”; and

■ ii. Revising footnote 1.

The addition and revision read as follows:

§ 180.574 Fluazinam; tolerance for residues.

(a) * * *

(1) * * *

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
* * *	* * *
Pear, Asian ¹	0.2
* * *	* * *

¹ There are no U.S. registrations.

* * *

[FR Doc. 2025–19917 Filed 11–14–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2025–0284; FRL–12973–01]

Chlorantraniliprole; Pesticide Tolerance for Emergency Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of chlorantraniliprole, including its metabolites and degradates, in or on rice, grain. This action is in response to EPA's granting of an emergency exemption under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on rice. This regulation establishes a maximum permissible level for residues of chlorantraniliprole. The time-limited tolerance expires on December 31, 2028.

DATES: This rule is effective November 17, 2025. Objections and requests for hearings must be received on or before January 16, 2026 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2025-0284, is available at <https://www.regulations.gov>. Additional information about dockets generally, along with instructions for visiting the docket in person, is available at <https://www.epa.gov/dockets>.

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

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them:

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

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

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

In accordance with the Federal Food, Drug, and Cosmetic Act (FFDCA) sections 408(e) and 408(l)(6) of, 21 U.S.C. 346a(e) and 346a(1)(6), EPA is establishing a time-limited tolerance for residues of chlorantraniliprole, including its metabolites and degradates, in or on rice, grain at 15 parts per million (ppm). This time-limited tolerance expires on December 31, 2028.

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues

resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2025-0284 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before January 16, 2026. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2025-0284, by one of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- **Mail:** OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <https://www.epa.gov/dockets/where-send-comments-epa-dockets>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

II. Background and Statutory Findings

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18 related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions.

Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, *i.e.*, without having received any petition from an outside party.

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

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that "emergency conditions exist which require such exemption." EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Chlorantraniliprole on Rice and FFDCA Tolerance

The Louisiana Department of Agriculture and Forestry (LDAF) has requested a specific emergency exemption for the use of foliar-applied chlorantraniliprole to control stem borer in rice. The applicant asserts that stem borer is a major pest in Louisiana rice, and that stem borer larvae feed internally in rice stems, causing severe economic damage. According to LDAF, there is a lack of adequate alternative controls that can be used in production systems where rice is rotated with crawfish. Without an effective control, Louisiana rice growers affected by uncontrolled stem borer face significant economic yield losses.

After having reviewed the submission, EPA determined that an emergency condition exists for this State, and that the criteria for approval of an emergency exemption are met. EPA has authorized a specific exemption under FIFRA section 18 for

the use of chlorantraniliprole on rice for control of stem borer in Louisiana.

As part of its evaluation of the emergency exemption application, EPA assessed the potential risks presented by residues of chlorantraniliprole in or on rice, grain. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although this time-limited tolerance expires on December 31, 2028, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amount specified in the tolerance remaining in or on rice, grain after that date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by this time-limited tolerance at the time of that application. EPA will take action to revoke the time-limited tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because this time-limited tolerance is being approved under emergency conditions, EPA has not made any decisions about whether chlorantraniliprole meets FIFRA's registration requirements for use on rice or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that this time-limited tolerance decision serves as a basis for registration of chlorantraniliprole by a State for special local needs under FIFRA section 24(c). Nor does this tolerance by itself serve as the authority for persons in any State other than Louisiana to use this pesticide on rice FIFRA section 18 absent the issuance of an emergency exemption applicable within that State. For additional information regarding the emergency exemption for chlorantraniliprole, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical

residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure expected as a result of the use proposed by this emergency exemption request and the time-limited tolerance for residues of chlorantraniliprole on rice, grain at 15 ppm. EPA's assessment of exposures and risks associated with establishing the time-limited tolerance follows.

A. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more

information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides>.

A summary of the toxicological endpoints for chlorantraniliprole, and its metabolite and degradates, used for human risk assessment, is discussed in Unit III of the final rule published in the **Federal Register** of February 7, 2014 (79 FR 7397) (FRL-9905-56).

B. Exposure Assessment

1. *Dietary exposure from food and feed uses.* An acute dietary toxicity endpoint could not be identified based on the toxicology data currently available for chlorantraniliprole; therefore, an acute assessment was not conducted. To assess dietary exposure resulting from the proposed Section 18 use, EPA performed a chronic dietary analysis for chlorantraniliprole. In evaluating dietary exposure to chlorantraniliprole, EPA considered exposure under the time-limited tolerance established by this action as well as all existing chlorantraniliprole tolerances in 40 CFR 180.628. EPA assessed dietary exposures from chlorantraniliprole in food as follows:

i. *Acute exposure.* An acute dietary toxicity endpoint was not identified based on the toxicology data currently available for chlorantraniliprole; therefore, an acute assessment was not performed.

ii. *Chronic exposure.* In conducting the chronic (food and drinking water) dietary risk assessment for chlorantraniliprole, a dietary analysis was performed using tolerance-level residues and 100% crop treated (PCT) conservative assumptions. Default processing factors were also used.

iii. *Cancer.* EPA has classified chlorantraniliprole as "*Not Likely to be Carcinogenic to Humans*" based on weight of evidence of data. Therefore, a cancer assessment was not performed.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residues. However, tolerance level residues and 100% PCT were assumed for all food commodities in the dietary assessment for chlorantraniliprole.

v. *Dietary exposure from drinking water.* The Agency used screening level water exposure models: the Pesticide Root Zone Model (PRZM)-Exposure Analysis Modeling system EXAMS) and PRZM-Ground Water (GW) in the dietary exposure analysis and risk assessment for chlorantraniliprole. These simulation models take into

account data on the physical, chemical, and fate/transport characteristics of chlorantraniliprole. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/models-pesticide-risk-assessment#aquatic>.

The highest modeled ground water EDWCs for chlorantraniliprole used in the dietary risk assessments were entered directly into the latest version of the Pesticides in Water Calculator (PWC 1.52). The highest surface water EDWCs for chlorantraniliprole used in the dietary risk assessments were generated using the Tier 1 Rice Model. EDWCs were calculated for groundwater and surface water based on the maximum annual application rate (0.132 lb ai/A/Yr). The estimated drinking water contribution to chronic dietary exposure risks from drinking water were 647 parts per billion (ppb) for groundwater and 97 ppb for surface water. No acute dietary risk assessment was performed because an acute hazard was not identified. These modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term “residential exposure” is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Residential exposure to chlorantraniliprole is not expected based on the proposed use pattern on rice. However, chlorantraniliprole is currently registered for uses (i.e., residential or golf course turf, residential ornaments, and pre-and post-construction termiticide use), where residential handler and post-application exposures are anticipated. No dermal, inhalation or oral PODs have been identified for short-term exposures to chlorantraniliprole. Therefore, no short-term risk assessment has been conducted for the residential uses.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at: <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide>.

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

substances that have a common mechanism of toxicity.”

EPA has not found chlorantraniliprole to share a common mechanism of toxicity with any other substances. In addition, chlorantraniliprole does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that chlorantraniliprole has a common mechanism of toxicity with other substances and concluded that it is not appropriate to conduct a cumulative exposure assessment. For information regarding EPA’s efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA’s website at <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides>.

C. Safety Factor for Infants and Children

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

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

i. The toxicity database for chlorantraniliprole is (1) considered complete for evaluating and selecting toxicity endpoints and PODs, (2) dietary and residential exposure analyses are unlikely to underestimate exposure, and (3) there is no evidence of susceptibility or neurotoxicity in the database.

ii. No endpoints have been selected for acute oral, incidental oral, dermal, or inhalation routes of exposure; therefore, quantitative acute dietary, residential, and occupational human health assessments were not performed. However, an endpoint has been selected for chronic oral exposures and was quantitatively assessed. In general

chlorantraniliprole is non-toxic, as effects are non-adverse up to the limit dose in most studies (1,000 mg/kg/day for most studies, 2,000 mg/kg/day for acute neurotoxicity). Chlorantraniliprole is not considered developmentally toxic, genotoxic, neurotoxic, immunotoxic, or carcinogenic.

iii. In an 18-month oral (feeding) carcinogenicity study in mice, there is evidence of chronic dietary adverse effects following chlorantraniliprole exposure near the LOAEL limit dose of 935 mg/kg/day based on eosinophilic foci accompanied by hepatocellular hypertrophy and increased live weight in males only.

iv. There are no residual uncertainties identified in the exposure databases. Results of the chronic dietary analysis indicate that food and drinking water exposure are not of concern. This assessment was performed based on high-end assumptions such as 100% CT and tolerance-level residues, default processing factors, and modeled high-end estimates of residues in drinking water, and is not expected to underestimate the exposure and risks posed by chlorantraniliprole. In addition, residential exposure to chlorantraniliprole is not expected based on the proposed use pattern on rice. Based upon the existing registered uses, residential exposures may occur during and following the application of products containing chlorantraniliprole. Also, non-occupational bystander spray drift exposures are possible. In an occupational setting, applicators may be exposed while handling the pesticide prior to and during application. There is potential for post-application exposure for workers re-entering treated areas. In the absence of any observed hazard from relevant exposures to chlorantraniliprole, occupational handler and post-application exposure assessments have not been performed.

D. Aggregate Risks and Determination of Safety

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

1. *Acute risk.* The acute aggregate risk assessment takes into account acute exposure estimates from dietary

consumption of food and drinking water. An acute endpoint for chlorantraniliprole was not identified based on the toxicology data currently available for chlorantraniliprole; therefore, an acute assessment was not performed.

2. *Chronic risk.* Chronic exposures are not expected for adults or children via residential exposure pathways from either the proposed use or existing registrations of chlorantraniliprole. Therefore, the chronic aggregate risk is equivalent to the chronic dietary risk estimates. The estimated chronic dietary exposure risks from food and water for chlorantraniliprole are below the LOC (<100% of the cPAD) for the US general population and all population subgroups. For chlorantraniliprole, EPA has concluded that chronic exposure from food and water will utilize 9.3% of the cPAD for Children 1–2 years old, the population group receiving the greatest exposure. For the overall U.S. population, chronic exposure from food and water will utilize 3.6% of the cPAD.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water. Residential exposures are not expected for the proposed use; however, residential handler and post-application exposures are anticipated based on the registered use pattern of chlorantraniliprole. At this time, an endpoint has only been selected for chronic oral exposures; therefore, short-term aggregate risk is equivalent to the chronic dietary exposures only and is not of concern. Chlorantraniliprole is not expected to pose a short-term risk because no short-term adverse effects were identified.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). At this time, an endpoint has only been selected for chronic oral exposures; therefore, intermediate-term aggregate risk is equivalent to the chronic dietary exposures only and is not of concern. Chlorantraniliprole is not expected to pose an intermediate-term risk because no intermediate-term adverse effects were identified.

5. *Aggregate cancer risk for U.S. population.* Chlorantraniliprole is classified as “Not Likely to Be Carcinogenic to Humans,” therefore, a cancer aggregate assessment was not performed.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that

no harm will result to the general population, or to infants and children, from aggregate exposure to chlorantraniliprole residues.

V. Other Considerations

A. Analytical Enforcement Methodology

An adequate enforcement methodology is available for plants and livestock using liquid chromatography/tandem mass spectrometer/mass spectrometer (LC/MS/MS) for analysis of chlorantraniliprole residues. The limit of quantitation (LOQ) is reported at 0.01 ppm for parent chlorantraniliprole. The LC/MS/MS method was adequately validated on a variety of matrices, and an acceptable Independent Laboratory Validation (ILV) study was submitted. The method for the determination of chlorantraniliprole in processed commodities is a LC/MS/MS method, DuPont-14314, which is a slightly modified version of DuPont-11374. The LOQ is reported at 0.010 ppm for chlorantraniliprole. The requirements for multiresidue methods data are fulfilled. Chlorantraniliprole is not recovered by the U.S. Food and Drug Administration’s (FDA’s) multiresidue methods.

B. International Residue Limits

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

The Codex and Canada have established maximum residue limits (MRLs) for residues of chlorantraniliprole in/on rice. The recommended U.S. tolerance for the time-limited tolerance established by this action of 15 ppm chlorantraniliprole rice, grain is not harmonized with the Canadian MRL (0.15 ppm) nor the Codex MRL (0.4 ppm) for rice, grain because of

considerable differences in the use pattern, and EPA’s regulations require adequate time-limited tolerances be in place in order to allow a pesticide use on food under an emergency exemption. Since EPA has determined that this time-limited tolerance is safe, EPA is establishing this time-limited tolerance despite the lack of harmonization with the related Codex MRL.

C. Effective and Expiration Date(s)

In general, a tolerance action is effective on the date of publication of the final rule in the **Federal Register**. For actions in the final rule that lower or revoke existing tolerances, EPA will set an expiration date for the existing tolerance of six months after the date of publication of the final rule in the **Federal Register**, in order to allow a reasonable interval for producers in exporting members of the World Trade Organization’s (WTO’s) Sanitary and Phytosanitary (SPS) Measures Agreement to adapt to the requirements.

VI. Conclusion

Therefore, a time-limited tolerance is established for residues of chlorantraniliprole (CAS No. 50000–45–7) in or on food and feed commodity, rice, grain, at 15 ppm. This tolerance expires on December 31, 2028.

VII. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), because it establishes a time-limited tolerance or an exemption from the requirement of a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. The Office of Management and Budget has exempted these types of actions from review under Executive Order 12866.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

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

C. Paperwork Reduction Act (PRA)

This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*

D. Regulatory Flexibility Act (RFA)

Since tolerances and exemptions that are established in accordance with FFDCA sections 408(e) and 408(1)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the RFA, 5 U.S.C. 601 *et seq.*, do not apply to this action.

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

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

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

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

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because tolerance actions like this one are exempt from review under Executive Order 12866.

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

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

J. National Technology Transfer Advancement Act (NTTAA)

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

K. Congressional Review Act (CRA)

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

VIII. 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 Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: November 3, 2025.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

For the reasons stated in the preamble, the EPA amends 40 CFR chapter I as follows:

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

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

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

■ 2. In § 180.628, add paragraph (b) and Table 2 to read as follows:

§ 180.628 Chlorantraniliprole; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* A time-limited tolerance is established for residues of chlorantraniliprole, including its metabolites and

degradates, in or on the specified agricultural commodity in the table below. Compliance with the tolerance level specified in the following table is to be determined by measuring only chlorantraniliprole, 3-bromo-*N*-[4-chloro-2-methyl-6[(methylamino)carbonyl]phenyl]-1-(3-chloro-2-pyridinyl)-1*H*-pyrazole-5-carboxamide, in or on the specified agricultural commodity, resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemption. The tolerance expires on the date specified in the table.

TABLE 2 TO PARAGRAPH (b)

Commodity	Parts per million	Expiration date
Rice, grain	15	12/31/2028

* * * * *

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2025–0079; FRL–12955–01–OCSPP]

Castor Oil, Polymer With 2-Ethylhexanol, Maleic Anhydride and Soybean Oil, Sodium Salt in Pesticide Formulations: Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt (CAS No. 3057850–65–1) minimum number average molecular weight 4571; when used as an inert ingredient in a pesticide chemical formulation under 40 CFR 180.960. Under the Federal Food, Drug, and Cosmetic Act (FFDCA), Spring Regulatory Sciences on behalf of Ashland Specialty Ingredients G.P. submitted a petition to EPA requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt on food or feed commodities when used in accordance with these exemptions.

DATES: This regulation is effective November 17, 2025. Objections and requests for hearings must be received

on or before January 16, 2026 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2025-0079 is available online at <https://www.regulations.gov>. Additional information about dockets generally, along with instructions for visiting the docket center in person, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document might apply to them:

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

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

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

EPA is issuing this rulemaking under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(c)(2)(A)(i) allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is "safe." FFDCA section 408(c)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes

exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ." Additionally, FFDCA section 408(b)(2)(D) requires that the Agency consider, among other things, "available information concerning the cumulative effects of a particular pesticide's residues" and "other substances that have a common mechanism of toxicity."

C. Can I file an objection or hearing request?

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify the docket ID number EPA-HQ-OPP-2025-0079 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before January 16, 2026.

EPA's Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. See "Revised Order Urging Electronic Filing and Service," dated June 22, 2023, which can be found at <https://www.epa.gov/system/files/documents/2023-06/2023-06-22%20-%20revised%20order%20urging%20electronic%20filing%20and%20service.pdf>. Although EPA's regulations require submission via U.S. Mail or hand delivery, EPA intends to treat submissions filed via electronic means as properly filed submissions;

therefore, EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at https://yosemite.epa.gov/oa/eab/eab-alj_upload.nsf.

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

II. Petitioned for Tolerance

In the **Federal Register** of July 3, 2025 (90 FR [29516]) (FRL-12474-05), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PPIN-11998) filed by Spring Regulatory Sciences, 6620 Cypresswood Dr., Suite 250, Spring, TX 77379 on behalf of Ashland Specialty Ingredients G.P. (8145 Blazer Drive, Wilmington, DE 19808). The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt (CAS No. 3057850-65-1) minimum number average molecular weight 4571. That document included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency did not receive any comments.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is "safe." Section 408(c)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and

use in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .” and specifies factors EPA is to consider in establishing an exemption.

III. Final Tolerance Action

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). Castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated

to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition at least two of the atomic elements carbon, hydrogen, nitrogen, oxygen, silicon, and sulfur.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize. An available biodegradation study supports that castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt is not readily biodegradable (MRID 52499102).

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 Daltons.

7. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF₃- or longer chain length as listed in 40 CFR 723.250(d)(6).

Additionally, the polymer also meets as required the following exemption criteria: specified in 40 CFR 723.250(e).

The polymer's number average MW of 4571 Daltons is greater than 1,000 and less than 10,000 Daltons. The polymer contains less than 10% oligomeric material below MW 500 and less than 25% oligomeric material below MW 1,000, and the polymer does not contain any reactive functional groups.

Thus, castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt.

A. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average MW of castor oil, polymer with 2-ethylhexanol,

maleic anhydride and soybean oil, sodium salt is 4571 Daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt conform to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

B. Cumulative Effects From Substances With a Common Mechanism of Toxicity

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

EPA has not found castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt to share a common mechanism of toxicity with any other substances, and castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance exemption, therefore, EPA has assumed that castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides>.

C. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt, EPA has not used a safety factor analysis to assess

the risk. For the same reasons no additional safety factor is needed for assessing risk to infants and children.

D. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt.

E. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

F. Conclusion

Accordingly, EPA finds that exempting residues of castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt from the requirement of a tolerance will be safe.

VI. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

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

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

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

C. Paperwork Reduction Act (PRA)

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

D. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA, 5 U.S.C. 601 *et seq.* The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other

statute. This rule is not subject to the APA but is subject to FFDCA section 408(d), which does not require notice and comment rulemaking to take this action in response to a petition.

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

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

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

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

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866 (See Unit VI.A.), and because EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. However, EPA's 2021 *Policy on Children's Health* applies to this action.

This rule finalizes tolerance actions under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .”

(FFDCA 408(b)(2)(C)). The Agency's consideration is documented in the pesticide-specific registration review documents, located in each chemical docket at <https://www.regulations.gov>.

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

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

J. National Technology Transfer Advancement Act (NTTAA)

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

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.*, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action does not meet the criteria set forth in 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: October 10, 2025.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

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

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

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

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

■ 2. Amend § 180.960, in table 1, by adding in alphabetical order an entry for “Castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt” to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

TABLE 1 TO § 180.960

Polymer	CAS No.
* * * * * Castor oil, polymer with 2-ethylhexanol, maleic anhydride and soybean oil, sodium salt, minimum number average molecular weight 4571(in amu) * * * * *	3057850–65–1

[FR Doc. 2025–19915 Filed 11–14–25; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0311; FRL–12962–01–OCSPP]

Various Fragrance Components in Pesticide Formulations; Exemption From the Requirement for a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of various fragrance components listed in Unit II of this document when used as an inert ingredient in antimicrobial formulations applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils under 40 CFR 180.940(a) when the end-use concentration does not exceed 5 parts per million (ppm). Under the Federal Food, Drug, and Cosmetic Act (FFDCA), Innovative Reform Group, on behalf of The Clorox Company, submitted a petition to EPA requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of various fragrance components, when used in accordance with the terms of those exemptions.

DATES: This regulation is effective November 17, 2025. Objections and requests for hearings must be received on or before January 16, 2026 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of this document).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0311, is available online at <https://www.regulations.gov>. Additional information about dockets generally, along with instructions for visiting the

docket in-person, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

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

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

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

EPA is issuing this rulemaking under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(c)(2)(A)(i) allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is “safe.” FFDCA section 408(c)(2)(A)(ii) defines “safe” to mean that “there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is

reliable information.” This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .” Additionally, FFDCA section 408(b)(2)(D) requires that the Agency consider, among other things, “available information concerning the cumulative effects of a particular pesticide’s residues” and “other substances that have a common mechanism of toxicity.”

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify the docket ID number EPA–HQ–OPP–2021–0311 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before January 16, 2026.

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

June 22, 2023, which can be found at <https://www.epa.gov/system/files/documents/2023-06/2023-06-22%20-%20revised%20order%20urging%20electronic%20filing%20and%20service.pdf>. Although EPA's regulations require submission via U.S. Mail or hand delivery, EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at https://yosemite.epa.gov/oal/eab/eab-alj_upload.nsf.

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

II. Petition for Exemption

In the **Federal Register** of June 1, 2021 (86 FR 29229, FRL-10023-95), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN-11402) by Innovative Reform Group, on behalf of The Clorox Company, 4900 Johnson Dr., Pleasanton, CA 94588. The petition requested that 40 CFR be amended by establishing an exemption from the requirement of a tolerance for residues of 2'-Acetonaphthone (CAS Reg. No. 93-08-3); Allyl phenoxyacetate (CAS Reg. No. 7493-74-5); trans-Anethole (CAS Reg. No. 4180-23-8); Benzene, 1-(cyclopropylmethyl)-4-methoxy- (CAS Reg. No. 16510-27-3); Benzothiazole (CAS Reg. No. 95-16-9); 5,7-Dihydro-2-methylthieno(3,4-d)pyrimidine (CAS Reg. No. 36267-71-7); 1,3-Dioxolane-2-acetic acid, 2-methyl-, ethyl ester (CAS Reg. No. 6413-10-1); Diphenyl ether (CAS Reg. No. 101-84-8); Ethyl 2,4-dimethyldioxolane-2-acetate (CAS Reg. No. 6290-17-1); 5-Ethyl-3-hydroxy-4-methyl-2(5H)-furanone (CAS Reg. No. 698-10-2); Ethyl methylphenylglycidate (CAS Reg. No. 77-83-8); Ethyl 3-

phenylglycidate (CAS Reg. No. 121-39-1); Ethyl (p-tolyloxy)acetate (CAS Reg. No. 67028-40-4); Fenner oil bitter (Foeniculum vulgare Miller) (CAS Reg. No. 8006-84-6); Isobutyl 3-(2-furan)propionate (CAS Reg. No. 105-01-1); Isoeugenyl benzyl ether (CAS Reg. No. 120-11-6); Isoeugenyl methyl ether (CAS Reg. No. 93-16-3); Isoquinoline (CAS Reg. No. 119-65-3); 1-Methoxy-4-propylbenzene (CAS Reg. No. 104-45-0); 4-Methyl-2-(1-phenylethyl)-1,3-dioxolane (CAS Reg. No. 67634-23-5); 4-(3,4-Methylenedioxyphenyl)-2-butanone (CAS Reg. No. 55418-52-5); 1-Methylnaphthalene (CAS Reg. No. 90-12-0); Naphtho{2,1-b}furan, dodecahydro-3a,6,6,9a-tetramethyl- (CAS Reg. No. 3738-00-9); β -Naphthyl ethyl ether (CAS Reg. No. 93-18-5); β -Naphthyl isobutyl ether (CAS Reg. No. 2173-57-1); β -Naphthyl methyl ether (CAS Reg. No. 93-04-9); Oil of anise (CAS Reg. No. 8007-70-3); Oils, star anise (CAS Reg. No. 68952-43-2); Phenoxy ethyl isobutyrate (CAS Reg. No. 103-60-6); 2-(3-Phenylpropyl)tetrahydrofuran (CAS Reg. No. 3208-40-0); Sclareolide (CAS Reg. No. 564-20-5); Tuberose oil (Polianthes tuberosa L.) (CAS Reg. No. 8024-05-3); when used as an inert ingredient (fragrance components) in antimicrobial formulations (food-contact surface sanitizing solutions) applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils under 40 CFR 180.940(a) with end-use concentrations not to exceed 5 ppm. That document referenced a summary of the petition prepared by Innovative Reform Group on behalf of The Clorox Company, the petitioner, which is available in the docket. There were no comments received in response to the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has

exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Final Tolerance Action

A. EPA's Safety Determination

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no harm to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for various fragrance components including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with various fragrance components follows.

B. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by the chemicals listed in Unit II as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

The Agency assessed these fragrance components via the Threshold of

Toxicological Concern (TTC) approach as outlined by the European Food Safety Authority (EFSA) in their 2019 guidance document on the use of TTC in food safety assessment. Information regarding the database of studies and chemicals used to derive TTCs are reviewed therein. The TTC approach has been used by the Joint Expert Committee on Food Additives of the United Nations' (U.N.) Food and Agriculture Organization and the World Health Organization (JECFA), the former Scientific Committee on Food of the European Commission, the European Medicines Agency, and EFSA.

Information from JECFA reports as well as predictive toxicology using the Organisation for Economic Co-operation and Development (OECD) Quantitative Structure-Activity Relationships (QSAR) Toolbox was used to confirm that the fragrances listed in Unit II have low carcinogenic potential and are thus good candidates for the application of the TTC method. Although 3 chemicals had in silico carcinogenicity alerts, JECFA and EFSA concluded and EPA concurs that all fragrances listed in Unit II have low carcinogenic potential, based on in vitro and/or in vivo genotoxicity studies available on the chemical or structurally related chemicals. Therefore, the TTC method can be applied to these fragrances.

TTCs are derived from a conservative and rigorous approach to establish generic threshold values for human exposure at which a very low probability of adverse effects is likely. By comparing a range of compounds by Cramer Class (classes I, II, and III which correspond to the probability of low, moderate, and high toxicity) and NOEL (no-observed-effect-level), fifth percentile NOELs were established for each Cramer Class as "Human Exposure Thresholds". These values were 3, 0.91 and 0.15 mg/kg/day for classes I, II, and III, respectively.

C. Toxicological Points of Departure/ Levels of Concern

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

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

The human exposure threshold value for threshold (*i.e.*, non-cancer) risks is based upon Cramer structural class. All of the fragrance components listed in Unit II are in Cramer Class III, which is defined as chemicals of simple structure and efficient modes of metabolism, suggesting low oral toxicity. Fragrance components identified with more than one Cramer Class will default to the more conservative (higher) Cramer Class *i.e.* fragrance component identified with a Cramer Class II and III will default to Cramer Class III. Therefore, the NOEL of 0.15 mg/kg/day is selected as the point of departure for all exposure scenarios assessed (chronic dietary, incidental oral, dermal and inhalation exposures).

D. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to each of the fragrance components listed in Unit II (*e.g.* ingesting foods that come in contact with surfaces treated with pesticide formulations containing these fragrance components, and drinking water exposures), EPA considered exposure under the proposed exemption at a concentration not to exceed 5 ppm for each of the listed fragrance components as well as any other sources of dietary exposure. EPA assessed dietary exposures from the fragrance components listed in Unit II in food as follows:

The dietary assessment for food contact sanitizer solutions calculated the Daily Dietary Dose and the Estimated Daily Intake. The assessment considered application rates, residual solution or quantity of solution remaining on the treated surface without rinsing with potable water, surface area of the treated surface which comes into contact with food, pesticide migration fraction, and body weight. These assumptions are based on U.S.

Food and Drug Administration guidelines.

2. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (*e.g.*, textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

The fragrance components listed in Unit II may be used as inert ingredients in products that are registered for specific uses that may result in residential exposure, such as pesticides used in and around the home. The Agency conducted a conservative assessment of potential residential exposure by assessing various fragrance components in disinfectant-type uses (indoor scenarios). The Agency's assessment of adult residential exposure combines high-end dermal and inhalation handler exposure from indoor hard surface, wiping, and aerosol spray uses. The Agency's assessment of children's residential exposure includes total post-application exposures associated with contact with treated indoor surfaces (dermal and hand-to-mouth exposures).

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

Based on the lack of toxicity in the available database, EPA has not found these various fragrance components to share a common mechanism of toxicity with any other substances, and these various fragrance components do not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance exemption, therefore, EPA has assumed that these various fragrance components do not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides>.

E. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety

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

The FQPA SF has been reduced to 1X in this risk assessment because clear NOELs and LOELs were established in the studies used to derive the endpoints (which included developmental and reproductive toxicity studies), maternal and developmental-specific 5th percentile NOELs indicate low potential for offspring susceptibility, and the conservative assumptions made in the exposure assessment are unlikely to underestimate risk.

F. Aggregate Risks and Determination of Safety

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

1. *Acute aggregate risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effects resulting from a single oral exposure were identified and no acute dietary endpoint was selected for any of the fragrance components listed in Unit II. Therefore, these fragrance components are not expected to pose an acute risk.

2. *Short-term aggregate risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). For residential handler short-term exposure scenarios, MOEs ranged from 14,000 to 250,000, while for residential post-application exposure scenarios, MOEs ranged from 17,000 to 35,000. These MOEs are greater than the level of concern (LOC) of 100 and therefore are not of concern. The short-term aggregate MOE is 8,300 for adults

and 10,700 for children, which are greater than the LOC of 100 and therefore are not of concern.

3. *Intermediate-term aggregate risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential (dermal and inhalation) exposure plus chronic dietary exposure (food and drinking water). As the same endpoints were selected for short-term and intermediate-term exposures, intermediate-term aggregate risk is equal to the short-term aggregate risk, and it is not of concern.

4. *Chronic aggregate risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to the fragrance components listed in Unit II from food and water will utilize 0.20% of the cPAD for the U.S. population and 0.34% of the cPAD for children 1 to 2 years old, the population group receiving the greatest exposure. Chronic residential exposure to residues of these fragrance components is not expected. Therefore, the chronic aggregate risk is equal to the chronic dietary exposure for children 1 to 2 years old (0.34% of the cPAD).

5. *Aggregate cancer risk for U.S. population.* There is low concern for genotoxicity/carcinogenicity in humans for the fragrance components listed in Unit II of this document. Therefore, the assessment under the TTC value for non-cancer risks is protective for all risks, including carcinogenicity.

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

G. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is not establishing a numerical tolerance for residues of the fragrance components listed in Unit II of this document in or on any food commodities. EPA is, however, establishing limitations on the amount of these fragrance components that may be used in antimicrobial pesticide formulations. These limitations will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. 136 *et seq.* EPA will not register any pesticide formulation for food use that contains these fragrance components in excess of 5 ppm in the final pesticide formulation.

H. Conclusions

Therefore, an exemption from the requirement of a tolerance is established for residues of various fragrance components listed in Unit II of this document when used as an inert ingredient (fragrance component) in antimicrobial formulations applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils with an end-use concentration not to exceed 5 ppm under 40 CFR 180.940(a).

In addition to the substantive changes described in this document, EPA is also taking the opportunity to make one-time, non-substantive changes to correct alphabetization, capitalization, and formatting inconsistencies in Table 1 to Paragraph (a) of 40 CFR 180.940.

V. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

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

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

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

C. Paperwork Reduction Act (PRA)

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

D. Regulatory Flexibility Act (RFA)

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

and comment rulemaking to take this action in response to a petition.

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

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

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

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

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. However, EPA's 2021 *Policy on Children's Health* applies to this action.

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

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

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

J. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency

consideration under NTTAA section 12(d), 15 U.S.C. 272.

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.*, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action does not meet the criteria set forth in 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: November 3, 2025.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

For the reasons stated in the preamble, the EPA amends 40 CFR chapter I as follows:

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

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

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

■ 2. Section 180.940 is amended by revising and republishing table 1 to paragraph (a) to read as follows:

§ 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions).

* * * * *

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Pesticide chemical	CAS Reg. No.	Limits
Acetal	105-57-7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Acetaldehyde ethyl cis-3-hexenyl acetal	28069-74-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Acetanisoole	100-06-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Acetic acid	64-19-7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Acetic acid, octyl ester	112-14-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Acetoin	513-86-0	When ready for use, the end-use concentration is not to exceed 33 ppm.
2'-Acetonaphthone	93-08-3	When ready for use, the end-use concentration is not to exceed 5 ppm.
Acetophenone	98-86-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
4-Acetyl-6-t-butyl-1,1-dimethylindan	13171-00-1	When ready for use, the end-use concentration is not to exceed 33 ppm.
Adipic acid	124-04-9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Alcohols, C ₁₆₋₁₈ , distn. residues	68603-17-8; 1190630-03-5	None.
Alkenes, C ₁₈₋₂₂ , mixed with polyethylene, oxidized, hydrolyzed, distn. residues from C ₁₆₋₁₈ alcs. manuf.	1430895-61-6	None.
Alkenes, C ₁₈₋₂₂ , mixed with polyethylene, oxidized, hydrolyzed, distn. residues from C ₂₀₋₂₂ alcs. manuf.	1430895-62-7	None.
Alkylbenzene sulfonates (branched and linear) of chain lengths C ₁₀ -C ₁₆ , including benzenesulfonic acid, dodecyl and benzenesulfonic acid, dodecyl-, sodium salt.	27176-87-0; 25155-30-0	When ready for use, the end-use concentration is not to exceed 700 ppm.
Alkyl cylcohexylpropionate	2705-87-5	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
α -Alkyl- ω -hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons.	9002-92-0; 9004-95-9; 9004-98-2; 9005-00-9; 9035-85-2; 9038-29-3; 9038-43-1; 9040-05-5; 9043-30-5; 9087-53-0; 25190-05-0; 24938-91-8; 25231-21-4; 251553-55-6; 26183-52-8; 26468-86-0; 26636-39-5; 26636-40-8; 27252-75-1; 27306-79-2; 31726-34-8; 32128-65-7; 34398-01-1; 34398-05-5; 37251-67-5; 37311-00-5; 37311-01-6; 37311-02-7; 37311-04-9; 39587-22-9; 50861-66-0; 52232-09-4; 52292-17-8; 52609-19-5; 57679-21-7; 59112-62-8; 60636-37-5; 60828-78-6; 61702-78-1; 61723-78-2; 61725-89-1; 61791-13-7; 61791-20-6; 61791-28-4; 61804-34-0; 61827-42-7; 61827-84-7; 62648-50-4; 63303-01-5; 63658-45-7; 63793-60-2; 64366-70-7; 64415-24-3; 64415-25-4; 64425-86-1; 65104-72-5; 65150-81-4; 66455-14-9; 66455-15-0; 67254-71-1; 67763-08-0; 68002-96-0; 68002-97-1; 68131-39-5; 68131-40-8; 68154-96-1; 68154-97-2; 68154-98-3; 68155-01-1; 68213-23-0; 68213-24-1; 68238-81-3; 68238-82-4; 68409-58-5; 68409-59-6; 68439-30-5; 68439-45-2; 68439-46-3; 68439-48-5; 68439-49-6; 68439-50-9; 68439-51-0; 68439-53-2; 68439-54-3; 68458-88-8; 68526-94-3; 68526-95-4; 68551-12-2; 68551-13-3; 68551-14-4; 68603-20-3; 68603-25-8; 68920-66-1; 68920-69-4; 68937-66-6; 68951-67-7; 68954-94-9; 68987-81-5; 68991-48-0; 69011-36-5; 69013-18-9; 69013-19-0; 69227-20-9; 69227-21-0; 69227-22-1; 69364-63-2; 70750-27-5; 70879-83-3; 70955-07-6; 71011-10-4; 71060-57-6; 71243-46-4; 72066-65-0; 72108-90-8; 72484-69-6; 72854-13-8; 72905-87-4; 73018-31-2; 73049-34-0; 74432-13-6; 74499-34-6; 78330-19-5; 78330-20-8; 78330-21-9; 78330-23-1; 79771-03-2; 84133-50-6; 85422-93-1; 97043-91-9; 97953-22-5; 102782-43-4; 103331-86-8; 103657-84-7; 103657-85-8; 103818-93-5; 103819-03-0; 106232-83-1; 111905-54-5; 116810-31-2; 116810-32-3; 116810-33-4; 120313-48-6; 120944-68-5; 121617-09-2; 126646-02-4; 126950-62-7; 127036-24-2; 139626-71-4; 152231-44-2; 154518-36-2; 157627-86-6; 157627-88-8; 157707-41-0; 157707-43-2; 159653-49-3; 160875-66-1; 160901-20-2; 160901-09-7; 160901-19-9; 161025-21-4; 161025-22-5; 161133-70-6; 166736-08-9; 169107-21-5; 172588-43-1; 176022-76-7; 196823-11-7; 287935-46-0; 288260-45-7; 303176-75-2; 954108-36-2; 2222805-23-2; 2409830-33-5.	None.
C ₁₀ -C ₁₈ -Alkyl dimethyl amine oxides	1643-20-5, 2571-88-2, 2605-79-0, 3332-27-2, 61788-90-7, 68955-55-5, 70592-80-2, 7128-91-8, 85408-48-6, and 85408-49-7.	When ready for use, the end-use concentration is not to exceed 1,350 ppm.
Allspice oil (<i>Pimenta officinalis</i> Lindl.)	8006-77-7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Allyl α -ionone	79-78-7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Allyl cinnamate	1866-31-5	When ready for use, the end-use concentration is not to exceed 33 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Allyl heptanoate	142–19–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
Allyl hexanoate	123–68–2	When ready for use, the end-use concentration is not to exceed 33 ppm.
Allyl phenoxyacetate	7493–74–5	When ready for use, the end-use concentration is not to exceed 5 ppm.
Allyl propionate	2408–20–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
Aluminum sulfate	10043–01–3	When ready for use, the end-use concentration is not to exceed 50 ppm.
Ammonium chloride	12125–02–9	When ready for use, the end-use concentration is not to exceed 48 ppm.
Amyl butyrate	540–18–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Amyl formate	638–49–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Amyl hexanoate	540–07–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Amylopectin, acid-hydrolyzed, 1-octenylbutanedioate	113894–85–2	None.
Amylopectin, hydrogen 1-octadecenylbutanedioate	125109–81–1	None.
trans-Anethole	4180–23–8	When ready for use, the end-use concentration is not to exceed 5 ppm.
p-Anisyl acetate	104–21–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Anisyl formate	122–91–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Anisyl propionate	7549–33–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Aspartic acid, N-(1,2-dicarboxyethyl)-, tetrasodium salt	144538–83–0	When ready for use, the end-use concentration is not to exceed 5000 ppm.
Balsam oil, Peru (<i>Myroxylon pereirae</i> Klotzsch)	8007–00–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzaldehyde	100–52–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzaldehyde, methyl-	1334–78–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzene, 1-(cyclopropylmethyl)-4-methoxy-	16510–27–3	When ready for use, the end-use concentration is not to exceed 5 ppm.
Benzene, 1,2-dimethoxy-	91–16–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzene, 2-methoxy-4-methyl-1-(1-methylethyl)-	1076–56–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzeneacetaldehyde	122–78–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
1,3-Benzodioxole-5-carboxaldehyde	120–57–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
Benzoic acid	65–85–0	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Benzoin gum, Sumatra	9000-05-9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzyl acetate	140-11-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzyl alcohol	100-51-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzyl benzoate	120-51-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzyl butyrate	103-37-7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzyl cinnamate	103-41-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzyl formate	104-57-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzyl isobutyrate	103-28-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzyl propionate	122-63-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzyl salicylate	118-58-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzyl trans-2-methyl-2-butenate	37526-88-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzaldehyde, 4-methoxy-	123-11-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzenemethanol, alpha-methyl-, 1-acetate	93-92-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzoic acid, ethyl ester	93-89-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Benzothiazole	95-16-9	When ready for use, the end-use concentration is not to exceed 5 ppm.
Bicyclo(2.2.1)heptan-2-ol, 1,3,3-trimethyl-	1632-73-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Bicyclo(2.2.1)heptan-2-ol, 1,7,7-trimethyl-,propanoate, exo-	2756-56-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Bicyclo[2.2.1]heptan-2-one, 1,7,7-trimethyl-, (1R, 4R)- ..	464-49-3	When ready for use, the end-use concentration is not to exceed 33 ppm.
Bicyclo[3.1.1]heptane, 6,6-dimethyl-2-methylene-	127-91-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Bisabolene	495-62-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
1,4-Bis[[3-[2-(2-hydroxyethoxy)ethoxy]propyl]amino]-9,10-anthracenedione.	123944-63-8	Dye, coloring agent 0.5% by weight.
Bois de rose oil	8015-77-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Borneol	507-70-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
endo-Bornyl acetate	76-49-3	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
laevo-Bornyl acetate	5655–61–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Butanoic acid, 1,1-dimethyl-2-phenylethyl ester	10094–34–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Butanoic acid, 3-methyl-, 2-methylpropyl ester	589–59–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Butanoic acid, 3-oxo-, ethyl ester	141–97–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Buten-1-one, 1-(2,6,6-trimethyl-1,3-cyclohexadien-1-yl)-	23696–85–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
3-Buten-2-one, 3-methyl-4-(2,6,6-trimethyl-2-cyclohexen-1-yl)-	127–51–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
3-Buten-2-one, 4-(2,6,6-trimethyl-1-cyclohexen-1-yl)-	14901–07–6; 79–77–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Butyric acid	107–92–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Butyl acetate	123–86–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Butyl alcohol	71–36–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Butyl butyrate	109–21–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Butyl butyryllactate	7492–70–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Butyl isovalerate	109–19–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Butyl sulfide	544–40–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Butyl 10-undecenoate	109–42–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
n-Butyl benzoate	136–60–7	When ready for use, the end-use concentration is not to exceed 15,000 ppm.
n-Butyl 2-methylbutyrate	15706–73–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
n-Butyl-3-hydroxybutyrate	53605–94–0	Solvent.
α -Butylcinnamaldehyde	7492–44–6	When ready for use, the end-use concentration is not to exceed 33 ppm.
2-sec-Butylcyclohexanone	14765–30–1	When ready for use, the end-use concentration is not to exceed 33 ppm.
γ -Butyrolactone	96–48–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cadinene	29350–73–0; 523–47–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cajeput oil (Melaleuca leucadendron L.)	8008–98–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
Calcium bisulfate	None	When ready for use, the end-use concentration is not to exceed 2,000 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Calcium sulfate	7778-18-9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Camphene	79-92-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Camphor	21368-68-3	When ready for use, the end-use concentration is not to exceed 33 ppm.
Cananga oil	68606-83-7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Capric (decanoic) acid	334-48-5	None.
Caprylic (octanoic) acid	124-07-2	None.
Cardamom (<i>Elettaria cardamomum</i> (L.) Maton)	85940-32-5	When ready for use, the end-use concentration is not to exceed 33 ppm.
Cardamom seed oil (<i>Elettaria cardamomum</i> (L.) Maton)	8000-66-6	When ready for use, the end-use concentration is not to exceed 33 ppm.
δ -3-Carene	13466-78-9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Carvacrol	499-75-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
4-Carvomenthenol	562-74-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Carvyl acetate	97-42-7	When ready for use, the end-use concentration is not to exceed 100 ppm.
β -Caryophyllene	87-44-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cassia bark oil	8007-80-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Celery seed oil	8015-90-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Chamomile flower, Roman, oil (<i>Anthemis nobilis</i> L.)	8015-92-7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cinnamic acid; trans-Cinnamic acid	621-82-9; 140-10-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cinnamic aldehyde	104-55-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cinnamic alcohol	104-54-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cinnamon leaf oil	84649-98-9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cinnamyl acetate	103-54-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cinnamyl benzoate	5320-75-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cinnamyl cinnamate	122-69-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cinnamyl formate	104-65-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cinnamyl isobutyrate	103-59-3	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Cinnamyl propionate	103–56–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Citral	5392–40–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Citral dimethyl acetal	7549–37–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Citronellal	106–23–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Citronellol	106–22–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Citronelloxyacetaldehyde	7492–67–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Citronellyl acetate	150–84–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Citronellyl butyrate	141–16–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Citronellyl formate	105–85–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Citronellyl isobutyrate	97–89–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Citronellyl propionate	141–14–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Citronellyl tiglate	24717–85–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Citrus, ext	94266–47–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Clary oil (<i>Salvia sclarea</i> L.)	8016–63–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cloves (<i>Eugenia</i> spp.)	84961–50–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cognac oil, green	8016–21–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Copper sulfate pentahydrate	7758–99–8	When ready for use, the end-use concentration is not to exceed 80 ppm.
Coriander oil (<i>Coriandrum sativum</i> L.)	8008–52–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cornmint oil	68917–18–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cuminaldehyde	122–03–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Currant buds black absolute (<i>Ribes nigrum</i> L.)	68606–81–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cyclohexadiene, methyl-	30640–46–1; 1888–90–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cyclohexene, 1-methyl-4-(1-methylethylidene)-	586–62–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
1-Cyclohexylethanol	1193–81–3	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
2-Cyclohexylethyl acetate	21722–83–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Cyclopentaneacetic acid, 3-oxo-2-pentyl-, methyl ester	24851–98–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
Cyclopropanemethanol, 1-methyl-2-[(1,2,2-trimethylbicyclo[3.1.0]hex-3-yl)methyl]-	198404–98–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
p-Cymene	99–87–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
β-Damascone, (Z)-	23726–92–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
δ-Decalactone	705–86–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
γ-Decalactone	706–14–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
ε-Decalactone	5579–78–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Decanal	112–31–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Decanoic acid, 4-hydroxy-4-methyl-γ-lactone	7011–83–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
1-Decanol	112–30–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Decenal	3913–71–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
(E)-4-Decenal	65405–70–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
4-Decenal	30390–50–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
9-Decenal	39770–05–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Decyl acetate	112–17–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
1,3-Dibromo-5,5-dimethylhydantoin	77–48–5	None.
1,1-Diethoxy-3,7-dimethylocta-2,6-diene	7492–66–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Diethyl malonate	105–53–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Diethyl sebacate	110–40–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Diethyl tartrate	87–91–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Dihydro-beta-ionone	17283–81–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Dihydrocarvyl acetate	20777–49–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
5,7-Dihydro-2-methylthieno(3,4-d)pyrimidine	36267–71–7	When ready for use, the end-use concentration is not to exceed 5 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Diisobutyl ketone	108–83–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
m-Dimethoxybenzene	151–10–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
p-Dimethoxybenzene	150–78–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
2,6-Dimethoxyphenol	91–10–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
3,4-Dimethyl-1,2-cyclopentadione	13494–06–9	When ready for use, the end-use concentration is not to exceed 33 ppm.
3,7-Dimethyl-1-octanol	106–21–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
2,2-Dimethyl-1,3-dioxolane-4-methanol	100–79–8	None.
2,6-Dimethyl-4-heptanol	108–82–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
2,6-Dimethyl-5-heptanal	106–72–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
3,7-Dimethyl-1,3,6-octatriene	13877–91–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
3,7-Dimethyl-6-octenoic acid	502–47–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Dimethylbenzylcarbiny acetate	151–05–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Dimethylcyclohex-3-ene-1-carbaldehyde	27939–60–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
α,α -Dimethylphenethyl alcohol	100–86–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
2,5-Dimethylpyrazine	123–32–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
2,6-Dimethylpyrazine	108–50–9	When ready for use, the end-use concentration is not to exceed 33 ppm.
p, α -Dimethylstyrene	1195–32–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
6,10-Dimethylundeca-5,9-dien-2-one	689–67–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
Di-n-butyl carbonate	542–52–9	When ready for use, the end-use concentration is not to exceed 15,000 ppm.
1,3-Dioxolane-2-acetic acid, 2-methyl-, ethyl ester	6413–10–1	When ready for use, the end-use concentration is not to exceed 5 ppm.
Diphenyl ether	101–84–8	When ready for use, the end-use concentration is not to exceed 5 ppm.
Dipropylene glycol	25265–71–8	None.
1-Docosanol	661–19–8	None.
γ -Dodecalactone	2305–05–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
δ -Dodecalactone	713–95–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Dodecanol, (2E)-	20407–84–5	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
2-Dodecenal	4826–62–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
1-Eicosanol	629–96–9	None.
Ethanol	64–17–5	None.
Elemi oil (Canarium spp.)	8023–89–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl acetate	141–78–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl amyl ketone	106–68–3	When ready for use, the end-use concentration is not to exceed 33 ppm.
Ethyl anthranilate	87–25–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
4-Ethylbenzaldehyde	4748–78–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl benzoylacetate	94–02–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl butyrate	105–54–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl cinnamate	103–36–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl (2E,4Z)-2,4-decadienoate	3025–30–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl decanoate	110–38–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl 2,4-dimethyldioxolane-2-acetate	6290–17–1	When ready for use, the end-use concentration is not to exceed 5 ppm.
Ethyl formate	109–94–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl heptanoate	106–30–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl hexanoate	123–66–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl 2-hexylacetoacetate	29214–60–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl 3-hydroxybutyrate	5405–41–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
5-Ethyl-3-hydroxy-4-methyl-2(5H)-furanone	698–10–2	When ready for use, the end-use concentration is not to exceed 5 ppm.
Ethyl isobutyrate	97–62–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl isovalerate	108–64–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl laurate	106–33–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl levulinate	539–88–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl maltol	4940–11–8	When ready for use, the end-use concentration is not to exceed 33 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Ethyl 2-methyl-3-pentenoate	1617–23–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl methylphenylglycidate	77–83–8	When ready for use, the end-use concentration is not to exceed 5 ppm.
Ethyl 2-methylbutyrate	452–79–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl 2-methylpentanoate	39255–32–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Ethyl-3-methylpyrazine	15707–23–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
Ethyl nonanoate	123–29–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl octanoate	106–32–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl 3-phenylglycidate	121–39–1	When ready for use, the end-use concentration is not to exceed 5 ppm.
Ethyl propionate	105–37–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl (p-tolyloxy)acetate	67028–40–4	When ready for use, the end-use concentration is not to exceed 5 ppm.
ethyl salicylate	118–61–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl tiglate	5837–78–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethylene brassylate	105–95–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethylenediaminetetraacetic acid (EDTA), tetrasodium salt.	64–02–8	None.
4-Ethylguaiacol	2785–89–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
p-Ethylphenol	123–07–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl phenylacetate	101–97–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethyl 3-phenylpropionate	2021–28–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ethylvanillin	121–32–4	When ready for use, the end-use concentration is not to exceed 33 ppm.
Eucalyptus oil	8000–48–4	When ready for use, the end-use concentration is not to exceed 33 ppm.
Eugenyl acetate	93–28–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
FD&C Green No. 3	2353–45–9	None.
FD&C Red No. 40	25956–17–6	When ready for use, the end-use concentration is not to exceed 20 ppm.
FD&C Yellow No. 5	1934–21–0	When ready for use, the end-use concentration is not to exceed 1000 ppm.
α -Farnesene	125037–13–0; 502–61–4	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Farnesol	4602–84–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Farnesyl acetate	29548–30–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Fenchone	4695–62–9	When ready for use, the end-use concentration is not to exceed 33 ppm.
Fenner oil bitter (<i>Foeniculum vulgare</i> Miller)	8006–84–6	When ready for use, the end-use concentration is not to exceed 5 ppm.
2-Formyl-6,6-dimethylbicyclo(3.1.1)hept-2-ene	564–94–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Galbanum oil (<i>Ferula</i> spp.)	8023–91–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Geranic acid	459–80–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Geraniol	106–24–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
(E)-Geraniol	106–24–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
(E)-Geraniol acetate	105–87–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Geranyl benzoate	94–48–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Geranyl butyrate	106–29–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Geranyl formate	105–86–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Geranyl isobutyrate	2345–26–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Geranyl phenylacetate	102–22–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Geranyl propionate	105–90–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Geranyl tiglate	7785–33–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
C ₁ –C ₄ linear and branched chain alkyl d-glucitol dianhydro alkyl ethers cluster.	5306–85–4; 30915–81–2; 107644–13–3; 103594–41–8; 103594–42–9.	When ready for use, the end-use concentration is not to exceed 500 ppm.
D-glucitol, 1,4:3,6-dianhydro-2,5-di-O-(1-methylpropyl)-	None	None.
D-glucitol, 1,4:3,6-dianhydro-2,5-di-O-(2-methylpropyl)-	None	None.
D-Glucopyranose, oligomeric, decyl octyl glycosides	68515–73–1	None.
D-glucurono-6-deoxy-L-manno-D-glucan, acetate, calcium magnesium potassium sodium salt (diutan gum).	595585–15–2	None.
Glyceryl triacetate	102–76–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Guaiacol	90–05–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Guaiene	88–84–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Helichrysum leaf oil (<i>Helichrysum angustifolium</i>)	8023–95–8	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
γ -Heptalactone	105–21–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Heptanal	111–71–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Heptanal, 2-(phenylmethylene)-	122–40–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
Heptanoic acid	111–14–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Heptanol	543–49–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
3-Heptanone	106–35–4	When ready for use, the end-use concentration is not to exceed 33 ppm.
2-Hepten-4-one, 5-methyl-	81925–81–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
trans-3-Heptenyl 2-methylpropanoate	67801–45–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Heptyl acetate	112–06–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Heptyl alcohol	111–70–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
γ -Hexalactone	695–06–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Hexanal	66–25–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
2,3-Hexanedione	3848–24–6	When ready for use, the end-use concentration is not to exceed 33 ppm.
Hexanoic acid	142–62–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
n-Hexanol	111–27–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Hexadecanoic acid	57–10–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Hexadecanoic acid, ethyl ester	628–97–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
ω -6-Hexadecenlactone	7779–50–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
2,4-Hexadienyl isobutyrate	16491–24–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
1-Hexanol, 2-ethyl-	104–76–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
1-Hexanol, 3,5,5-trimethyl-	3452–97–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Hexenal, (2E)-	6728–26–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Hexen-1-ol	2305–21–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
3-Hexen-1-ol, (3Z)-	928–96–1	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
(E)-2-Hexen-1-yl acetate	2497–18–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
(Z)-3-Hexenol	928–96–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
(Z)-3-Hexenol acetate	3681–71–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
cis-3-Hexenyl benzoate	25152–85–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
cis-3-Hexenyl butyrate	16491–36–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
5-(cis-3-Hexenyl)dihydro-5-methyl-2(3H)furanone	70851–61–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
cis-3-Hexenyl hexanoate	31501–11–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
cis-3-Hexenyl isobutyrate	41519–23–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
3-Hexenyl 2-methylbutanoate	10094–41–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
cis-3-Hexenyl propionate	33467–74–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
cis-3-Hexenyl tiglate	67883–79–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
3-Hexenyl formate	9/5/2315	When ready for use, the end-use concentration is not to exceed 100 ppm.
Hexyl acetate	142–92–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Hexyl benzoate	6789–88–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Hexyl butyrate	2639–63–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Hexyl hexanoate	6378–65–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Hexyl isobutyrate	2349–07–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Hexyl 2-methylbutanoate	10032–15–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Hexyl octanoate	1117–55–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Hexyl propionate	2445–76–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
α -Hexylcinnamaldehyde	101–86–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
Hydrogen peroxide	7722–84–1	When ready for use, the end-use concentration is not to exceed 91 ppm.
4-Hydroxy-2,5-dimethyl-3(2H)-furanone	3658–77–3	When ready for use, the end-use concentration is not to exceed 33 ppm.
Hydroxycitronellal	107–75–5	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Hydroxycitronellal dimethyl acetal	141–92–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Hydroxycitronellol	107–74–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
1,4-Bis[[3-[2-(2-Hydroxyethoxy)ethoxy]propyl]amino]-9,10-anthracenedione.	123944–63–8	When ready for use, the end-use concentration is not to exceed 300 ppm.
Hydroxynonanoic acid, δ -lactone	3301–94–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
4-(p-Hydroxyphenyl)-2-butanone	5471–51–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
5-Hydroxyundecanoic acid lactone	710–04–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Hypochlorous acid	7790–92–3	When ready for use, the end-use concentration of all hypochlorous acid chemicals in the solution is not to exceed 200 ppm determined as total available chlorine.
Hypochlorous acid, sodium salt	7681–52–9	When ready for use, the end-use concentration of all hypochlorous acid chemicals in the solution is not to exceed 200 ppm determined as total available chlorine.
Hyssop oil (<i>Hyssopus officinalis</i> L.)	8006–83–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
1H-Indole	120–72–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Iodine	7553–56–2	When ready for use, the total end-use concentration of all iodide-producing chemicals in the solution is not to exceed 25 ppm of titratable iodine.
α -Ionone	127–41–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
γ -Ionone	79–76–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
α -Irone	79–69–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isoamyl acetate	123–92–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isoamyl alcohol	123–51–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isoamyl benzoate	94–46–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isobutyl 3-(2-furan)propionate	105–01–1	When ready for use, the end-use concentration is not to exceed 5 ppm.
Isoamyl butyrate	106–27–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isoamyl cinnamate	7779–65–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isoamyl isovalerate	659–70–1	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Isoamyl phenylacetate	102-19-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isoamyl propionate	105-68-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isoamyl salicylate	87-20-7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isoborneol	124-76-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isobornyl acetate	125-12-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isobutyl acetate	110-19-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isobutyl angelate	7779-81-9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isobutyl benzoate	120-50-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isobutyl 2-butenate	589-66-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isobutyl butyrate	539-90-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isobutyl cinnamate	122-67-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isobutyl isobutyrate	97-85-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isobutyl 3-(2-furan)propionate	105-01-1	When ready for use, the end-use concentration is not to exceed 5 ppm.
2-Isobutyl-3-methoxypyrazine	24683-00-9	When ready for use, the end-use concentration is not to exceed 33 ppm.
2-Isobutyl-2-methyl-1,3-dioxolane-4-methanol	5660-53-7	None.
Isobutyl phenylacetate	102-13-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isobutyl salicylate	87-19-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
α -Isobutylphenethyl alcohol	7779-78-4	When ready for use, the end-use concentration is not to exceed 33 ppm.
Isobutyraldehyde	78-84-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isobutyric acid	79-31-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isoeugenol	97-54-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isoeugenyl acetate	93-29-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isoeugenyl benzyl ether	120-11-6	When ready for use, the end-use concentration is not to exceed 5 ppm.
Isoeugenyl methyl ether	93-16-3	When ready for use, the end-use concentration is not to exceed 5 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Isojasnone	11050–62–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
d,l-Isomenthone	491–07–6	When ready for use, the end-use concentration is not to exceed 33 ppm.
iso-Methyl- β -ionone	79–89–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isopropyl acetate	108–21–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
p-Isopropylacetophenone	645–13–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
p-Isopropylbenzyl alcohol	536–60–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isopropyl-3-hydroxybutyrate	54074–94–1	Solvent.
Isopropyl 2-methylbutyrate	66576–71–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Isopropyl-4-methylthiazole	15679–13–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
2-Isopropylphenol	88–69–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
p-Isopropyl phenylacetaldehyde	4395–92–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isopulegol	89–79–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Isoquinoline	119–65–3	When ready for use, the end-use concentration is not to exceed 5 ppm.
Isovaleric acid	503–74–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Jasmine lactone	25524–95–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Jasmine oil (<i>Jasminum grandiflorum</i> L.)	8022–96–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Juniper oil (<i>Juniperus communis</i> L.)	8002–68–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Labdanum oil (<i>Cistus</i> spp.)	8016–26–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Lactic acid (including l-lactic acid)	50–21–5, 79–33–4	When ready for use, the end-use concentration is not to exceed 10,000 ppm in antimicrobial formulations applied to food-contact surfaces in public eating places.
Lauryl acetate	112–66–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Lauric acid	143–07–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Lauric aldehyde	112–54–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Lauryl alcohol	112–53–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Lavandin oil (<i>Lavandula hybrida</i>)	8022–15–9	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Levulinic acid	123–76–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
d-Limonene	5989–27–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Linalool	78–70–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Linalool acetate	115–95–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Linalool oxide	60047–17–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
(E)-Linalool oxide	34995–77–2	When ready for use, the end-use concentration is not to exceed 33 ppm.
(Z)-Linalool oxide	5989–33–3	When ready for use, the end-use concentration is not to exceed 33 ppm.
Linalyl acetate	115–95–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Linalyl benzoate	126–64–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Linalyl cinnamate	78–37–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Linalyl formate	115–99–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Linalyl hexanoate	7779–23–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Linalyl isobutyrate	78–35–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Linalyl isovalerate	1118–27–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Linalyl propionate	144–39–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Linoleic acid, methyl ester	112–63–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Lipase, triacylglycerol	9001–62–1	When ready for use, the end-use concentration is not to exceed 500 ppm.
Lovage oil (<i>Levisticum officinale</i> Koch)	8016–31–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Mace oil (<i>Myristica fragrans</i> Houtt.)	8007–12–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Magnesium oxide	1309–48–4	None.
Magnesium sulfate anhydrous	7487–88–9	When ready for use, the end-use concentration is not to exceed 4400 ppm.
Magnesium sulfate heptahydrate	10034–99–8	When ready for use, the end-use concentration is not to exceed 4400 ppm.
Magnesium sulfate hexahydrate	7830–18–1	When ready for use, the end-use concentration is not to exceed 4400 ppm.
Magnesium sulfate monohydrate	14168–73–1	When ready for use, the end-use concentration is not to exceed 4400 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Magnesium sulfate pentahydrate	5553–21–6	When ready for use, the end-use concentration is not to exceed 4400 ppm.
Magnesium sulfate tetrahydrate	24378–31–2	When ready for use, the end-use concentration is not to exceed 4400 ppm.
Magnesium sulfate trihydrate	15320–30–6	When ready for use, the end-use concentration is not to exceed 4400 ppm.
Maltol isobutyrate	65416–14–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
p-Mentha-1,8-dien-7-ol	536–59–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
p-Mentha-1,8-dien-7-yl acetate	15111–96–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
p-Mentha-8-thiol-3-one	38462–22–5	When ready for use, the end-use concentration is not to exceed 33 ppm.
p-Menthan-3-one	10458–14–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
p-Menthane, 1,8-epoxy-	470–82–6	When ready for use, the end-use concentration is not to exceed 33 ppm.
1-p-Menthene-8-thiol	71159–90–5	When ready for use, the end-use concentration is not to exceed 33 ppm.
Menthol	15356–70–4; 89–78–1; 1490–04–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
4-Mercapto-4-methyl-2-pentanone	19872–52–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methane sulfonic acid	75–75–2	When ready for use, the end use concentration is not to exceed 5,000 ppm.
1H-3a,7-Methanoazulen-6-ol, octahydro-3,6,8,8-tetramethyl-, [3R-(3.α,3a.β,6.α,7.β,8α)].	77–53–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Methoxy-3-(1-methylpropyl)pyrazine	24168–70–5	When ready for use, the end-use concentration is not to exceed 33 ppm.
1-Methoxy-4-propylbenzene	104–45–0	When ready for use, the end-use concentration is not to exceed 5 ppm.
2-Methoxy-4-propylphenol	2785–87–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
4-Methoxy-2-methyl-2-butanethiol	94087–83–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Methoxy-4-methylphenol	93–51–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
4-(p-Methoxyphenyl)-2-butanone	104–20–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Methoxy-4-vinylphenol	7786–61–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methylene blue	61–73–4	When ready for use, the end-use concentration is not to exceed 0.4 ppm.
Methyl-α-ionone	127–42–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
4'-Methylacetophenone	122–00–9	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Methyl n-amyl ketone	110-43-0	When ready for use, the end-use concentration is not to exceed 33 ppm.
Methyl anthranilate	134-20-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
α -Methylbenzyl alcohol	98-85-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl benzoate	93-58-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
3-Methyl-2-butenyl acetate	1191-16-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
α -Methylcinnamaldehyde	101-39-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl cinnamate	103-26-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
3-Methyl-1-cyclopentadecanone	541-91-3	When ready for use, the end-use concentration is not to exceed 33 ppm.
Methylcyclopentenolone	80-71-7	When ready for use, the end-use concentration is not to exceed 33 ppm.
3-Methylcrotonic acid	541-47-9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl 3,7-dimethyl-6-octenoate	2270-60-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
6-Methyl-3,5-heptadien-2-one	1604-28-0	When ready for use, the end-use concentration is not to exceed 33 ppm.
6-Methyl-5-hepten-2-one	110-93-0	When ready for use, the end-use concentration is not to exceed 33 ppm.
Methyl heptene carbonate	111-12-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl hexanoate	106-70-7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl linolenate	301-00-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl 2-methylbutyrate	868-57-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Methyl-3-(p-isopropylphenyl)propionaldehyde	103-95-7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl N-acetylanthranilate	2719-08-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl anisate	121-98-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl N-methylantranilate	85-91-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl 2-nonenoate	111-79-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl 2-nonynoate	111-80-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl 3-nonenoate	13481-87-3	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
3-Methyl-2-(n-pentanyl)-2-cyclopenten-1-one	1128-08-1	When ready for use, the end-use concentration is not to exceed 33 ppm.
3-Methyl-2-(2E)-2-penten-1-yl-2-cyclopenten-1-one	6261-18-3	When ready for use, the end-use concentration is not to exceed 33 ppm.
3-Methyl-2-(2-pentenyl)-2-cyclopenten-1-one, (Z)-	488-10-8	When ready for use, the end-use concentration is not to exceed 33 ppm.
Methyl phenethyl ether	3558-60-9	When ready for use, the end-use concentration is not to exceed 33 ppm.
2-Methyl-4-phenyl-2-butanol	103-05-9	When ready for use, the end-use concentration is not to exceed 100 ppm.
5-Methyl-2-phenyl-2-hexenal	21834-92-4	When ready for use, the end-use concentration is not to exceed 33 ppm.
4-Methyl-2-(1-phenylethyl)-1,3-dioxolane	67634-23-5	When ready for use, the end-use concentration is not to exceed 5 ppm.
p-Methylanisole	104-93-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methylbenzyl acetate (mixed o,m,p)	360676-70-1; 2216-45-7; 17373-93-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
α -Methylbenzyl propionate	120-45-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
3-Methyl-2-butenyl benzoate	5205-11-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
4-(3,4-Methylenedioxyphenyl)-2-butanone	55418-52-5	When ready for use, the end-use concentration is not to exceed 5 ppm.
3-Methylindole	83-34-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl- α -ionone	127-42-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl- β -ionone	127-43-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl o-methoxybenzoate	606-45-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl 3-methylthiopropionate	13532-18-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
1-Methylnaphthalene	90-12-0	When ready for use, the end-use concentration is not to exceed 5 ppm.
2-Methyloctanal	7786-29-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl octanoate	111-11-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Methylpent-2-en-1-oic acid	3142-72-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
β -Methylphenethyl alcohol	1123-85-9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl phenylacetate	101-41-7	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Methyl-4-phenyl-2-butyl acetate	103-07-1	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Methyl n-propyl ketone	107–87–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Methyl-4-propyl-1,3-oxathiane	67715–80–4	When ready for use, the end-use concentration is not to exceed 33 ppm.
2-Methylpyrazine	109–08–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
Methyl salicylate	119–36–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl sulfide	75–18–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Methyl tetradecanoate	124–10–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
5-Methyl-2-thiophenecarboxyaldehyde	13679–70–4	When ready for use, the end-use concentration is not to exceed 33 ppm.
2-Methyl-trans-2-butenic acid	80–59–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
3-Methyl-5-(2,2,3-trimethyl-3-cyclopenten-1-yl)pent-4-en-2-ol.	67801–20–1	When ready for use, the end-use concentration is not to exceed 33 ppm.
Methyl undec-10-enoate	111–81–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Methylundecanal	110–41–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Methyl-1,3-propanediol	2163–42–0	None.
Musk ambrette	123–69–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Myristaldehyde	124–25–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Myristic acid	544–63–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Naphtho{2,1-b}furan, dodecahydro-3a,6,6,9a-tetramethyl-.	3738–00–9	When ready for use, the end-use concentration is not to exceed 5 ppm.
β-Naphthyl ethyl ether	93–18–5	When ready for use, the end-use concentration is not to exceed 5 ppm.
β-Naphthyl isobutyl ether	2173–57–1	When ready for use, the end-use concentration is not to exceed 5 ppm.
β-Naphthyl methyl ether	93–04–9	When ready for use, the end-use concentration is not to exceed 5 ppm.
Nerol oxide	1786–08–9	When ready for use, the end-use concentration is not to exceed 33 ppm.
Nerolidiol	142–50–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Neroli bigarde oil (<i>Citrus aurantium</i> L.)	8016–38–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Nerolidol (isomer unspecified)	7212–44–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Neryl acetate	141–12–8	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Neryl formate	2142-94-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Nitric acid	7697-37-2	When ready for use, the end-use concentration is not to exceed 1,000 ppm.
Nona-2-trans-6-cis-dienal	557-48-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
2,6-Nonadien-1-ol	7786-44-9	When ready for use, the end-use concentration is not to exceed 100 ppm.
2,6-Nonadienal diethyl acetal	67674-36-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
1,3-Nonanediol acetate (mixed esters)	1322-17-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
γ -Nonalactone	104-61-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Nonanal	124-19-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Nonanone	821-55-6	When ready for use, the end-use concentration is not to exceed 33 ppm.
6-Nonenal, (6Z)-	2277-19-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Nonenal	2463-53-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
cis-6-Nonen-1-ol	35854-86-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Nonyl acetate	143-13-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Nonyl alcohol	143-08-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
α -(p-Nonylphenyl)- ω -hydroxypoly (oxyethylene) average poly(oxyethylene) content 11 moles).	None	None.
Nootkatone	4674-50-4	When ready for use, the end-use concentration is not to exceed 33 ppm.
Octadecanoic acid	57-11-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Octadecanoic acid, calcium salt	1592-23-0	None.
1-Octadecanol	112-92-5	None.
9-Octadecenoic acid (9Z)-, sulfonated, oxidized	1315321-93-7	When ready for use, the end-use concentration is not to exceed 250 ppm.
9-Octadecenoic acid (9Z)-, sulfonated, oxidized, potassium salts.	1315321-94-8	When ready for use, the end-use concentration is not to exceed 250 ppm.
9-Octadecenoic acid (9Z)-, sulfonated, oxidized, sodium salts.	1315321-95-9	When ready for use, the end-use concentration is not to exceed 250 ppm.
2,6-Octadien-1-ol, 3,7-dimethyl-, (Z)-	106-25-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
γ -Octalactone	104-50-7	When ready for use, the end-use concentration is not to exceed 100 ppm.
δ -Octalactone	698-76-0	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Octanal	124-13-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Octanal dimethyl acetal	10022-28-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
1-Octanesulfonic acid, sodium salt	5324-84-5	When ready for use, the end-use concentration is not to exceed 46 ppm.
1-Octanol	111-87-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Octanone	111-13-7	When ready for use, the end-use concentration is not to exceed 33 ppm.
2,5,7-Octatrien-1-ol, 2,6-dimethyl, 1-acetate	197098-61-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
1-Octen-3-ol	3391-86-4	When ready for use, the end-use concentration is not to exceed 33 ppm.
5-Octen-1-ol, (5Z)-	64275-73-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
1-Octen-3-yl acetate	2442-10-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oil of anise	8007-70-3	When ready for use, the end-use concentration is not to exceed 5 ppm.
Oil of Bergamot	8007-75-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oil of camphor	8008-51-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oil of citronella	8000-29-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oil of lemon	8008-56-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oil of lemongrass	8007-02-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oil of orange	8008-57-9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oils, clove	8000-34-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oils, Fir	8021-29-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oils, geranium	8000-46-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oils, ginger	8007-08-7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oils, grapefruit	8016-20-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oils, lavender	8000-28-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oils, lemon, terpene-free	68648-39-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oils, lime	8008-26-2	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Oils, mimosa	8031-03-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oils, orange, sweet, terpene-free	68606-94-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oils, palmarosa	8014-19-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oils, peppermint	8006-90-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oils, rosemary	8000-25-7	When ready for use, the end-use concentration is not to exceed 33 ppm.
Oils, sage	8022-56-8	When ready for use, the end-use concentration is not to exceed 33 ppm.
Oils, spruce	8008-80-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oils, star anise	68952-43-2	When ready for use, the end-use concentration is not to exceed 5 ppm.
Oils, thyme	8007-46-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oleic acid	112-80-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oleic acid, ethyl ester	111-62-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oleyl alcohol	143-28-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Olibanum oil (<i>Boswellia</i> spp.)	8016-36-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Orange flower water absolute	8030-28-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Origanum oil, Spanish	8007-11-2	When ready for use, the end-use concentration is not to exceed 33 ppm.
Orris absolute (<i>Iris pallida</i>)	8002-73-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ortho-benzyl-para-chlorophenol	120-32-1	When ready for use, the end-use concentration is not to exceed 2080 ppm.
7-Oxabicyclo(2.2.1)heptane, 1-methyl-4-(1-methylethyl)-	470-67-7	When ready for use, the end-use concentration is not to exceed 33 ppm.
Oxacycloheptadec-10-ene-2-one	28645-51-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Oxirane, methyl-, polymer with oxirane, minimum molecular weight (in amu), 1900.	9003-11-6	None.
Palmitic acid	57-10-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Paraffin waxes and hydrocarbon waxes; carboxypolyethylene resin; and paraffin waxes and hydrocarbon, oxidized, lithium salts.	8002-74-2; 68153-22-0; 68649-48-9	None.
Pelargonic (nonanoic) acid	112-05-0	None.
ω-Pentadecalactone	106-02-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
1-Pentanol	71-41-0	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Pepper, black, oil (<i>Piper nigrum</i> L.)	8006–82–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Peppermint (<i>Mentha piperita</i>) ext	84082–70–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Peroxyacetic acid	79–21–0	When ready for use, the end-use concentration is not to exceed 58 ppm.
Peroxyoctanoic acid	33734–57–5	When ready for use, the end-use concentration is not to exceed 52 ppm.
Petitgrain bigarade oil	8014–17–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Petitgrain Paraguay oil	8014–17–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
α -Phellandrene	99–83–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenethyl acetate	103–45–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenethyl butyrate	103–52–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenethyl cinnamate	103–53–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenethyl formate	104–62–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenethyl hexanoate	6290–37–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenethyl propionate	122–70–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenethyl salicylate	87–22–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenethyl tiglate	55719–85–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenol, 2-methoxy-4-(2-propenyl)-	97–53–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenol, 2,4,6-trimethyl-	527–60–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenoxy ethyl isobutyrate	103–60–6	When ready for use, the end-use concentration is not to exceed 5 ppm.
Phenethyl isobutyrate	103–48–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenethyl phenylacetate	102–20–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenylacetaldehyde dimethyl acetal	101–48–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenylacetaldehyde glyceryl acetal	29895–73–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenylacetic acid	103–82–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phenyl ethyl alcohol	60–12–8	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Phenylethyl isoamyl ether	56011-02-0	When ready for use, the end-use concentration is not to exceed 33 ppm.
2-Phenylethyl 2-methylbutyrate	24817-51-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
3-Phenylpropionaldehyde	104-53-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
3-Phenylpropionic acid	501-52-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
3-Phenylpropyl acetate	122-72-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
3-Phenylpropyl cinnamate	122-68-9	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-(3-Phenylpropyl)tetrahydrofuran	3208-40-0	When ready for use, the end-use concentration is not to exceed 5 ppm.
3-Phenyl-1-propanol	122-97-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Phenylpropionaldehyde	93-53-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Phenylpropionaldehyde dimethyl acetal	90-87-9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Phosphonic acid, (1-hydroxyethylidene)bis-	2809-21-4	When ready for use, the end-use concentration is not to exceed 14 ppm.
Phosphoric acid	7664-38-2	None.
Phosphoric acid, trisodium salt	7601-54-9	When ready for use, the end-use concentration is not to exceed 5916 ppm.
Pine needle oil	8000-26-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Pine scotch oil (<i>Pinus sylvestris</i> L.)	8023-99-2	When ready for use, the end-use concentration is not to exceed 100 ppm.
α -Pinene	80-56-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Piperonyl acetate	326-61-4	When ready for use, the end-use concentration is not to exceed 33 ppm.
Polyammonium bisulfate	10043-02-4	When ready for use, the end-use concentration is not to exceed 250 ppm.
Potassium 2-benzyl-4-chlorophenate	35471-49-9	When ready for use, the end-use concentration is not to exceed 2080 ppm.
Potassium bromide	7758-02-3	When ready for use, the end-use concentration is not to exceed 46 ppm total available halogen.
Potassium iodide	7681-11-0	When ready for use, the total end-use concentration of all iodide-producing chemicals in the solution is not to exceed 25 ppm of titratable iodine.
1,3-Propanediol	504-63-2	None.
Propanoic acid, 2-methyl-, 4-formyl-2-methoxyphenyl ester.	20665-85-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Propanoic acid	79-09-4	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
2-propen-1-aminium, <i>N,N</i> -dimethyl- <i>N</i> -propenyl-, chloride, homopolymer.	26062–79–3	When ready for use, the end-use concentration is not to exceed 0.6%.
Propenylguaethol	94–86–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Propionic acid	79–09–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Propyl phenethyl acetal	7493–57–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Propylene glycol	57–55–6	None.
α -Propylphenethyl alcohol	705–73–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
<i>o</i> -Propylphenol	644–35–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
<i>p</i> -Propylphenol	645–56–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
4H-Pyran-4-one, 3-hydroxy-2-methyl-	118–71–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
2,6-Pyridinedicarboxylic acid	499–83–2	When ready for use, the end-use concentration is not to exceed 2 ppm.
Pyruvic acid	127–17–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Quaternary ammonium compounds, alkyl (C ₁₂ –C ₁₈) benzyldimethyl, chlorides.	8001–54–5	When ready for use, the end-use concentration of all quaternary chemicals in the solution is not to exceed 200 ppm of active quaternary compound.
Quaternary ammonium compounds: <i>n</i> -alkyl (C ₁₂ – ₁₈) dimethyl benzyl ammonium chloride.	68424–85–1	When ready for use, the end-use concentration of all quaternary chemicals in solution is not to exceed 400 ppm of active quaternary compound.
Quaternary Ammonium Compounds: <i>n</i> -alkyl (C ₁₂ – ₁₄) dimethyl ethylbenzyl ammonium chloride, average molecular weight (in amu), 377 to 384.	85409–23–0	When ready for use, the end-use concentration of all quaternary chemicals in solution is not to exceed 400 ppm of active quaternary compound.
Quaternary ammonium compounds <i>n</i> -alkyl (C ₁₂ –C ₁₈) dimethyl ethylbenzyl ammonium chloride average molecular weight (in amu) 384.	None	When ready for use, the end-use concentration of all quaternary chemicals in the solution is not to exceed 200 ppm of active quaternary compound.
Quaternary ammonium compounds, Di- <i>n</i> -Alkyl (C ₈ – ₁₀) dimethyl ammonium chloride, average molecular weight (in amu) 332 to 361.	None	When ready for use, the end-use concentration of these specific in quaternary ammonium compounds is not to exceed 240 ppm of active quaternary ammonium compound; the end-use concentration of all quaternary chemicals in the solution is not to exceed 400 ppm of active quaternary compound.
Quaternary ammonium compounds, didecyl dimethyl ammonium carbonate/didecyl dimethyl ammonium bicarbonate.	148788–55–0/148812–654–1	When ready for use, the end-use concentration of these specific ammonium compounds is not to exceed 400 ppm of active quaternary ammonium compound.
Rose absolute (<i>Rosa</i> spp.)	8007–01–0	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Rue oil (<i>Ruta graveolens</i> L.)	8014–29–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
Salicylaldehyde	90–02–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Sandalwood yellow oil (<i>Santalum album</i> L.)	8006–87–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Santalol	11031–45–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
cis- α -Santalol	115–71–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
cis- β -Santalol	77–42–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Schinus molle oil (<i>Schinus molle</i> L.)	68917–52–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Sclareol	515–03–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Sclareolide	564–20–5	When ready for use, the end-use concentration is not to exceed 5 ppm.
Silver ions resulting from the use of electrolytically-generated silver ions stabilized in citric acid as silver dihydrogen citrate (does not include metallic silver).	14701–21–4	When ready for use, the end-use concentration of silver ions is not to exceed 50 ppm of active silver.
Sodium 2-benzyl-4-chlorophenate	3184–65–4	When ready for use, the end-use concentration is not to exceed 2080 ppm.
Sodium bisulfate	7681–38–1	When ready for use, the end-use concentration is not to exceed 2,000 ppm.
Sodium dioctyl sulfosuccinate	577–11–7	None.
Sodium lauroyl sarcosinate	137–16–6	When ready for use, the end-use concentration is not to exceed 10,000 ppm.
Sorbitan, mono-9-octadecenoate, poly(oxy-1,2-ethanediyl) derivs., (Z)-	9005–65–6	None.
Spike lavender oil (<i>Lavandula</i> spp.)	8016–78–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Stearic acid	57–11–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Storax (<i>Liquidambar</i> spp.)	8046–19–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Sulfuric acid	7664–93–9	Food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils in antimicrobial formulations. Not to exceed 600 ppm.
Sulfuric acid monododecyl ester, sodium salt (sodium lauryl sulfate).	151–21–3	When ready for use, the end-use concentration is not to exceed 350 ppm.
Tagetes oil (<i>Tagetes erecta</i> L.)	8016–84–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Tall oil fatty acid	61790–12–3	Solvent/carrier.
Tangerine oil (<i>Citrus reticulata</i> blanco)	8008–31–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Tartaric acid	87–69–4	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
DL-Tartaric acid	133-37-9	When ready for use, the end-use concentration is not to exceed 100 ppm.
α -Terpinene	99-86-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
γ -Terpinene	99-85-4	When ready for use, the end-use concentration is not to exceed 100 ppm.
α -Terpineol	98-55-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Terpinyl acetate (isomer mixture)	8007-35-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
1-Tetradecanol	112-72-1	None.
α -Terpinyl propionate	80-27-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Tetraacetylenediamine (TAED)	10543-57-4	None.
Tetradecanoic acid, ethyl ester	124-06-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Tetradecanoic acid, 1-methylethyl ester	110-27-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Tetrahydrogeranial	5988-91-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Tetrahydrolinalool	78-69-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Tetrahydro-4-methyl-2-(2-methylpropen-1-yl)pyran	16409-43-1	When ready for use, the end-use concentration is not to exceed 33 ppm.
Tetrahydro-6-(3-pentenyl)-2H-pyran-2-one	32764-98-0	When ready for use, the end-use concentration is not to exceed 33 ppm.
Theaspirane	36431-72-8	When ready for use, the end-use concentration is not to exceed 33 ppm.
Thiogeraniol	39067-80-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Thymol (8CA)	89-83-8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Thyme (<i>Thymus Vulgaris</i>) Oil	84929-51-1	When ready for use, the end-use concentration is not to exceed 100 ppm.
Tolu, balsam, gum (<i>Myroxylon</i> spp.)	9000-64-0	When ready for use, the end-use concentration is not to exceed 100 ppm.
p-Tolylacetaldehyde	104-09-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
p-Tolyl acetate	140-39-6	When ready for use, the end-use concentration is not to exceed 100 ppm.
p-Tolyl isobutyrate	103-93-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
p-Tolyl 3-methylbutyrate	55066-56-3	When ready for use, the end-use concentration is not to exceed 100 ppm.
p-Tolyl octanoate	59558-23-5	When ready for use, the end-use concentration is not to exceed 100 ppm.
p-Tolyl phenylacetate	101-94-0	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
2-(p-Tolyl)propionaldehyde	99–72–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
trans-1,3,3,3-Tetrafluoroprop-1-ene	29118–24–9	None.
1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3-dichloro-, sodium salt.	2893–78–9	When ready for use, the end-use concentration of all di- or trichloroisocyanuric acid chemicals in the solution is not to exceed 100 ppm determined as total available chlorine.
2-Tridecanal	7774–82–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
2-Tridecanone	593–08–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
Triethyl citrate	77–93–0	When ready for use, the end-use concentration is not to exceed 100 ppm.
Triethylene glycol	112–27–6	None.
p- α,α -Trimethylbenzyl alcohol	1197–01–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
2,6,6-Trimethyl-1-cyclohexen-1-acetaldehyde	472–66–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
2,6,6-Trimethyl-1&2-cyclohexen-1-carboxaldehyde	432–25–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
1,3,3-Trimethyl-2-norbornanyl acetate	13851–11–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
3,3,5-Trimethylcyclohexanol	116–02–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
(Z)- β -1-(2,6,6-Trimethyl-1-cyclohexen-1-yl)-2-buten-1-one; (2E)-1-(2,6,6-Trimethyl-1-cyclohexen-1-yl)-2-buten-1-one.	35044–68–9; 23726–92–3; 23726–91–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
2,3,6-Trimethylphenol	2416–94–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
4,7,7-Trimethyl-6-thiabicyclo[3.2.1]octane	68398–18–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
δ -1-(2,6,6-Trimethyl-3-cyclohexen-1-yl)-2-buten-1-one ...	57378–68–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
3,5,5-Trimethylhexanal	5435–64–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Tuberose oil (<i>Polianthes tuberosa</i> L.)	8024–05–3	When ready for use, the end-use concentration is not to exceed 5 ppm.
Turpentine, oil	8006–64–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
γ -Undecalactone	104–67–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Undecanal	112–44–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
1-Undecanol	112–42–5	Carrier/Adjuvant and Coating Agent/Binder.
2-Undecanone	112–12–9	When ready for use, the end-use concentration is not to exceed 33 ppm.
1,3,5-Undecatriene	16356–11–9	When ready for use, the end-use concentration is not to exceed 100 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
9-Undecenal	143–14–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
10-Undecenal	112–45–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
10-Undecenoic acid	112–38–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
10-Undecenoic acid, ethyl ester	692–86–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
10-Undecen-1-yl acetate	112–19–6	When ready for use, the end-use concentration is not to exceed 100 ppm.
Undecyl alcohol	112–42–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Valencene	4630–07–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Valeraldehyde	110–62–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Valeric acid	109–52–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
γ -Valerolactone	108–29–2	When ready for use, the end-use concentration is not to exceed 100 ppm.
Vanilla (<i>Vanilla</i> spp.)	8024–06–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
Vanilla extract (<i>Vanilla</i> spp.)	84650–63–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
<i>Vanilla tahitensis</i> , ext	94167–14–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Vanillin	121–33–5	When ready for use, the end-use concentration is not to exceed 100 ppm.
Veratraldehyde	120–14–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Violet leaves absolute (<i>Viola odorata</i> L.)	90147–36–7	When ready for use, the end-use concentration is not to exceed 100 ppm.
Waxes and waxy substances, rice bran, oxidized	1883583–80–9	None.
Wintergreen oil	68917–75–9	When ready for use, the end-use concentration is not to exceed 100 ppm.
Xylenesulfonic acid, sodium salt	1300–72–7	When ready for use, the end-use concentration is not to exceed 500 ppm.
2,5-Xylenol	95–87–4	When ready for use, the end-use concentration is not to exceed 100 ppm.
2,6-Xylenol	576–26–1	When ready for use, the end-use concentration is not to exceed 100 ppm.
3,4-Xylenol	95–65–8	When ready for use, the end-use concentration is not to exceed 100 ppm.
Ylang-ylang oils	8006–81–3	When ready for use, the end-use concentration is not to exceed 100 ppm.
Zingerone	122–48–5	When ready for use, the end-use concentration is not to exceed 100 ppm.

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BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180****[EPA–HQ–OPP–2023–0003; FRL–12980–01–OCSPP]****Oxirane, Methyl-, Polymer With Oxirane, Monobutyl Ether and Oxirane, 2-Methyl-, Polymer With Oxirane, Monomethyl Ether in Pesticide Formulations; Exemption From the Requirement for a Tolerance****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of oxirane, methyl-, polymer with oxirane, monobutyl ether (CAS Reg. No. 9038–95–3) minimum number average molecular weight 800 Daltons and a limitation of 10% for oxirane, 2-methyl-, polymer with oxirane, monomethyl ether (CAS Reg. No. 9063–06–3) minimum number average molecular weight 800 Daltons as inert ingredients when used as an inert ingredient (adjuvant, carrier, diluent or solvent) on growing crops and raw agricultural commodities pre- and post-harvest under 40 CFR 180.910 and to animals under 40 CFR 180.930. Spring Regulatory Sciences on behalf of Evonik Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether, when used in accordance with the terms of those exemptions.

DATES: This regulation is effective November 17, 2025. Objections and requests for hearings must be received on or before January 16, 2026 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of this document).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2023–0003, is available online at <https://www.regulations.gov>. Additional information about dockets generally, along with instructions for visiting the

docket in-person, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:**I. Executive Summary***A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document might apply to them:

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

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

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

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

tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .” Additionally, FFDCA section 408(b)(2)(D) requires that the Agency consider, among other things, “available information concerning the cumulative effects of a particular pesticide’s residues” and “other substances that have a common mechanism of toxicity.”

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify the docket ID number EPA–HQ–OPP–2023–0003 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before January 16, 2026.

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

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket at <https://www.regulations.gov>. Follow the online instructions for submitting

comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute. If you wish to include CBI in your request, please follow the applicable instructions at <https://www.epa.gov/dockets/commenting-epa-dockets#rules> and clearly mark the information that you claim to be CBI. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice.

II. Petition for Exemption

In the **Federal Register** of February 23, 2023 (88 FR 11401, FRL-10579-01-OCSP), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP 1N-11716) by Spring Regulatory Sciences (6620 Cypresswood Dr., Suite 250, Spring, TX 77379) on behalf of Evonik Corporation (P.O. Box 34628, Richmond, Virginia 23234). The petition requested that 40 CFR be amended by establishing an exemption from the requirement of a tolerance for residues of oxirane, methyl-, polymer with oxirane, monobutyl ether (CAS Reg. No. 9038-95-3) minimum number average molecular weight 800 Da and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether (CAS Reg. No. 9063-06-3) minimum number average molecular weight 800 Da when used as an inert ingredient (adjuvant, carrier, diluent or solvent) in pesticide formulations applied to growing crops or raw agricultural commodities pre- and post-harvest under 40 CFR 180.910 and in/on animals under 40 CFR 180.930. That document referenced a summary of the petition prepared by Spring Regulatory Sciences on behalf of Evonik Corporation, the petitioner, which is available in the docket. There were no comments received in response to the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term “inert” is not intended to imply nontoxicity; the

ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Final Tolerance Action

A. EPA's Safety Determination

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no harm to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether follows.

B. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane,

2-methyl-, polymer with oxirane, monomethyl ether as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

The toxicological database of oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether is supported by data regarding butoxypropylene glycol, dipropylene glycol monobutyl ether, and poly(oxy-1,2-ethanediyl), α -hydroxy- ω -hydroxy- ethane-1,2-diol, ethoxylated. EPA has determined that it is appropriate to bridge the aforementioned surrogate chemicals data to assess oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether due to similarities in the structures, composition, and physical/chemical properties.

Based on the available read-across data, oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether exhibit low levels of acute toxicity via the oral, dermal, and inhalation routes of exposure. They are expected to be slightly irritating to the skin and moderately irritating to the eyes, but not skin sensitizers. In repeated-dose toxicity studies, the kidneys and liver are the major target organs. However, the effects observed in oral toxicity studies occurred at doses at or above the limit dose and thus, are not considered relevant for risk assessment purposes. Based on the results from a repeated-dose inhalation study, inhalation is the route of toxicological concern for oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether, with portal-of-entry effects observed. There is no evidence of susceptibility in the available developmental toxicity study. Concern for carcinogenicity is low, based on negative results in mutagenicity and genotoxicity studies and lack of effects in the available chronic study.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment.

PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level, generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD), and a safe margin of exposure (MOE). For non-threshold risks, EPA assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/overview-risk-assessment-pesticide-program>.

An acute dietary endpoint was not selected because no effect attributable to a single dose was identified in the database. No chronic dietary, incidental oral, or dermal endpoint was selected because the effects observed in the oral studies occurred at doses above the limit dose, which are not relevant for risk assessment purposes. The short-term and intermediate-term inhalation endpoints are derived from the two-week inhalation toxicity study in rats, with a NOAEL of 52 mg/m³ and a LOAEL of 512 mg/m³, based on minor ocular/nasal irritation. This represents the lowest NOAEL in the database in the most sensitive species. The standard uncertainty factors (UFs) were applied to account for interspecies (10x) and intraspecies (10x) variations. The default value of 100% was used for the inhalation absorption factor.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether in food as follows:

Dietary exposure (food and drinking water) to oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether may occur following

ingestion of foods with residues from their use in accordance with this exemption. However, a quantitative dietary exposure assessment was not conducted since a toxicological endpoint for risk assessment was not identified.

2. *From non-dietary exposure.* The term “residential exposure” is used in this document to refer to non-occupational, non-dietary exposure (e.g., textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

Oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether may be present in pesticide and non-pesticide products that may be used in and around the home. Therefore, screening level residential handler and post-application risk assessments have been performed for common residential exposure scenarios, using assumptions detailed in the 2012 Residential Standard Operating Procedures (available at <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/overview-risk-assessment-pesticide-program>.)

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

EPA has not found oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether to share a common mechanism of toxicity with any other substances, and oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether do not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance exemption, therefore, EPA has assumed that oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether do not have a common mechanism of toxicity with other substances. For information regarding EPA’s efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA’s website at <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides>.

D. Additional Safety Factor for the Protection of Infants and Children

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

Based on the evaluation of available toxicity studies, there is low concern for pre- and postnatal susceptibility from exposure to oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether. The FQPA safety factor has been reduced to 1X because: (1) the toxicity database is adequate to characterize potential pre- and postnatal risk; (2) no developmental or reproductive effects were observed in the available developmental study; (3) no evidence of neurotoxicity was observed in the database; and (4) the assumptions for the exposure assessment are conservative and unlikely to underestimate risk.

E. Aggregate Risks and Determination of Safety

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

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether are not expected to pose an acute risk.

2. *Chronic risk.* A chronic aggregate risk assessment considers exposure estimates from chronic dietary consumption of food and drinking water. Although dietary exposure via food and drinking water is anticipated, no chronic dietary endpoints of concern were identified; therefore, a quantitative dietary exposure assessment was not conducted and oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether are not expected to pose a chronic aggregate risk.

1. *Short- and intermediate term risks.* Short- and intermediate term aggregate exposures take into account short- and intermediate-term residential exposures plus chronic exposures to food and water (considered to be a background exposure level).

Oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether may be used as inert ingredients in pesticide products that are registered for uses that could result in short- and intermediate-term residential exposures. However, no endpoints were selected for chronic dietary or dermal exposures. Therefore, the aggregate risk assessment consists of only the short- and intermediate-term residential inhalation handler exposures, with MOEs ranging from 2,600 to 59,000. As the level of concern is for MOEs that are lower than 100, these MOEs are not of concern.

F. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is not establishing a numerical tolerance for residues of oxirane, methyl-, polymer with oxirane, monobutyl ether and oxirane, 2-methyl-, polymer with oxirane, monomethyl ether in or on any food commodities. EPA is establishing a limitation on the amount of oxirane, 2-methyl-, polymer with oxirane, monomethyl ether that may be used in pesticide formulations applied pre-harvest. This limitation will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act ("FFIRA"), 7 U.S.C. 136 *et seq.* EPA will not register any pesticide formulation for food use that exceeds 10% oxirane, 2-methyl-, polymer with oxirane, monomethyl ether in the final pesticide formulation.

G. Conclusions

Therefore, an exemption from the requirement of a tolerance is established for residues of oxirane, methyl-,

polymer with oxirane, monobutyl ether (CAS Reg. No. 9038–95–3) minimum number average molecular weight 800 Daltons and a limitation of 10% for oxirane, 2-methyl-, polymer with oxirane, monomethyl ether (CAS Reg. No. 9063–06–3) minimum number average molecular weight 800 Daltons when used as an inert ingredient (adjuvant, carrier, diluent or solvent) in pesticide formulations applied to growing crops and raw agricultural commodities after harvest under 40 CFR 180.910 and when used to animals under 40 CFR 180.930.

V. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

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

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

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

C. Paperwork Reduction Act (PRA)

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

D. Regulatory Flexibility Act (RFA)

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

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

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

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

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

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866 (See Unit VI.A.), and because EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. However, EPA's 2021 *Policy on Children's Health* applies to this action.

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

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

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

J. National Technology Transfer Advancement Act (NTTAA)

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

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.*, and EPA will submit

a rule report to each House of the Congress and to the Comptroller General of the United States. This action does not meet the criteria set forth in 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: October 10, 2025.

Charles Smith,
Director, Registration Division, Office of Pesticide Programs.

For the reasons stated in the preamble, the EPA amends 40 CFR chapter I as follows:

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

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

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

■ 2. In § 180.910, amend Table 1 to 180.910 by adding, in alphabetical order, an entry for “oxirane, methyl-, polymer with oxirane, monobutyl ether” and “oxirane, 2-methyl-, polymer with oxirane, monomethyl ether” to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

TABLE 1 TO 180.910

Inert ingredients	Limits	Uses
* * * *	* * * *	* * * *
Oxirane, methyl-, polymer with oxirane, monobutyl ether (CAS Reg. No. 9038–95–3) minimum number average molecular weight 800 Daltons.	None	adjuvant, carrier, diluent or solvent.
Oxirane, 2-methyl-, polymer with oxirane, monomethyl ether (CAS Reg. No. 9063–06–3) minimum number average molecular weight 800 Daltons.	Not more than 10% of pesticide formulations.	adjuvant, carrier, diluent or solvent.
* * * *	* * * *	* * * *

■ 3. In § 180.930, amend Table 1 to 180.930 by adding, in alphabetical order, an entry for “oxirane, methyl-, polymer with oxirane, monobutyl ether”

and “oxirane, 2-methyl-, polymer with oxirane, monomethyl ether” to read as follows:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.

* * * * *

TABLE 1 TO 180.930

Inert ingredients	Limits	Uses
* * * *	* * * *	* * * *
Oxirane, methyl-, polymer with oxirane, monobutyl ether (CAS Reg. No. 9038–95–3) minimum number average molecular weight 800 Daltons.	None	adjuvant, carrier, diluent or solvent.
Oxirane, 2-methyl-, polymer with oxirane, monomethyl ether (CAS Reg. No. 9063–06–3) minimum number average molecular weight 800 Daltons.	Not more than 10% of pesticide formulations.	adjuvant, carrier, diluent or solvent.
* * * *	* * * *	* * * *

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BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 257

[EPA–HQ–OLEM–2021–0051; FRL–12769–02–OLEM]

North Dakota: Approval of State Coal Combustion Residuals Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Availability of final decision.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is approving the North Dakota Coal Combustion Residuals (CCR) partial permit program under the Resource Conservation and Recovery Act (RCRA). After reviewing the CCR permit program application submitted by the North Dakota Department of Environmental Quality (NDDEQ), EPA has determined that North Dakota’s partial CCR permit program meets the standard for approval under RCRA. North Dakota’s CCR permit program will operate in lieu of

the Federal CCR program with the exception of the specific provisions noted below.

DATES: This action is effective on December 17, 2025.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OLEM–2021–0051. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as

copyrighted material, is not placed on the internet and will be publicly available only in hard copy form.

FOR FURTHER INFORMATION CONTACT: Michelle Lloyd, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC: 5304T, Washington, DC 20460; telephone number: (202) 566–0560; email address: lloyd.michelle@epa.gov. For more information on this notification please visit <https://www.epa.gov/coal-combustion-residuals>.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. General Information
 - A. Summary of Final Action
 - B. Background
 - C. Statutory Authority
- II. The North Dakota Application
- III. EPA Analysis of the North Dakota Application—Basis for Approval
 - A. Adequacy of the North Dakota Permit Program
 - 1. Guidelines for Permitting
 - 2. Guidelines for Public Participation
 - 3. Guidelines for Compliance Monitoring Authority
 - 4. Guidelines for Enforcement Authority
 - 5. Intervention in Civil Enforcement Proceedings
 - B. Adequacy of Technical Criteria
 - 1. North Dakota CCR Units and Resources
 - 2. North Dakota CCR Regulations
 - C. North Dakota's Permits Issued Under the State CCR Regulations
 - 1. North Dakota's Previously-Issued Permits Under the Unapproved State CCR Regulations Are Not Part of the Permit Program Evidence Under Review
 - 2. Status of North Dakota's Previously-Issued Permits Issued Under the Unapproved State CCR Regulations
 - D. Public Comment Period
 - E. EPA Responses to Major Comments on the Proposed Determination
 - 1. Partial Program and North Dakota Adoption of the Federal Regulations
 - 2. Public Participation
 - 3. North Dakota CCR Permits
- IV. Approval of the North Dakota CCR Permit Program
- V. Final Action

List of Acronyms

CBI Confidential Business Information
 CCR coal combustion residuals
 CFR Code of Federal Regulations
 EPA Environmental Protection Agency
 MSWLF municipal solid waste landfill
 NDAC North Dakota Administrative Code
 NDCC North Dakota Century Code
 NDDEQ North Dakota Department of Environmental Quality
 MCL maximum contaminant level
 OLEM Office of Land and Emergency Management
 RCRA Resource Conservation and Recovery Act

STAG State and Tribal Assistance Grant
 USWAG Utility Solid Waste Activities Group
 WIIN Water Infrastructure Improvements for the Nation

I. General Information

A. Summary of Final Action

EPA is taking final action to approve of North Dakota's partial CCR permit program because the Agency finds that the State's program requires each CCR unit in the State to achieve compliance with the minimum requirements in the Federal CCR regulations or with alternative requirements that EPA has determined to be at least as protective as the requirements of the Federal CCR regulations in 40 CFR part 257, subpart D, for the reasons set forth in the Proposed Approval (90 FR 20985, May 16, 2025), addendum to the proposed approval (90 FR 38619, August 11, 2025), and this final action. See, 42 U.S.C. 6945(d)(1)(B).

B. Background

CCR are generated from the combustion of coal, including solid fuels classified as anthracite, bituminous coal, subbituminous coal, and lignite, for the purpose of generating steam to power a generator to produce electricity or electricity and other thermal energy by electric utilities and independent power producers. CCR, commonly known as coal ash, include fly ash, bottom ash, boiler slag, and flue gas desulfurization materials. CCR can be sent offsite for disposal or beneficial use or disposed of in on-site landfills or surface impoundments.

On April 17, 2015, EPA published a final rule creating 40 CFR part 257, subpart D, which established a comprehensive set of minimum Federal requirements for the disposal of CCR in landfills and surface impoundments (80 FR 21302) (2015 CCR Rule). The rule created a self-implementing program that regulates the location, design, operating criteria, and groundwater monitoring and corrective action for CCR units, as well as the closure and post-closure care of CCR units. It also requires recordkeeping and notifications for CCR units. EPA has since amended 40 CFR part 257, subpart D on August 5, 2016 (81 FR 51802), July 30, 2018 (83 FR 36435), August 28, 2020 (85 FR 53516), November 12, 2020 (85 FR 72506), May 8, 2024 (89 FR 38950), and November 8, 2024 (89 FR 88650). More information on these rules is provided in the Technical Support Document in the docket for this document.

C. Statutory Authority

EPA is issuing this action pursuant to RCRA sections 4005(d) and 7004(b)(1). See 42 U.S.C. 6945(d) and 6974(b)(1). As amended by section 2301 of the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act, RCRA section 4005(d) instructs the EPA to establish a Federal permit program similar to those under RCRA subtitle C and other environmental statutes and authorizes States to develop their own CCR permitting programs that go into effect in lieu of the Federal permit program in the State, upon approval by EPA. See 42 U.S.C. 6945(d).

Under RCRA section 4005(d)(1)(A), 42 U.S.C. 6945(d)(1)(A), States seeking approval of a State CCR program must submit to the Administrator “in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State.” The statute provides that EPA shall approve a State CCR permit program if the Administrator determines that the State program will require each CCR unit located in the State to achieve compliance with either: (1) The Federal CCR requirements at 40 CFR part 257, subpart D; or (2) Other State criteria that the Administrator, after consultation with the State, determines to be “at least as protective as” the Federal requirements. 42 U.S.C. 6945(d)(1)(B). The Administrator must make a final determination, after providing for public notice and an opportunity for public comment, within 180 days of receiving a State's complete submittal of the information specified in RCRA section 4005(d)(1)(A). 42 U.S.C. 6945(d)(1)(B). EPA may approve a State CCR permit program in whole or in part. Id. Once approved, the State permit program operates in lieu of the Federal requirements. 42 U.S.C. 6945(d)(1)(A). In a State with a partial program, only the State requirements that have been approved by EPA operate in lieu of the Federal requirements, and facilities remain responsible for compliance with all remaining Federal requirements in 40 CFR part 257.

As noted above, the Federal CCR regulations are self-implementing, meaning that CCR landfills and surface impoundments must comply with the terms of the regulations prior to obtaining a Federal permit or permit issued by an approved State. Noncompliance with the Federal CCR regulations can be the subject of an enforcement action brought directly

against the facility. Once a final CCR permit is issued by an approved State or pursuant to a Federal CCR permit program, however, the terms of the permit apply in lieu of the terms of the Federal CCR regulations and/or requirements in an approved State program, and RCRA section 4005(d)(3) provides a permit shield against direct enforcement of the applicable Federal or State CCR regulations (meaning the permit's terms become the enforceable requirements for the permittee).¹

RCRA section 7004(b), which applies to all RCRA programs, directs that “public participation in the development, revision, implementation, and enforcement of any . . . program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States.” 42 U.S.C. 6974(b)(1). Accordingly, EPA considers permitting requirements, requirements for compliance monitoring authority, requirements for enforcement authority, and requirements for intervention in civil enforcement proceedings in evaluating State CCR permit program applications.

Once a State CCR permit program is approved, the Administrator must review the approved program not less frequently than every 12 years, no later than three years after a revision to an applicable section of 40 CFR part 257, subpart D, and no later than one year after any unauthorized significant release from a CCR unit located in the State. EPA also must review an approved State CCR permit program at the request of another State alleging that the soil, groundwater, or surface water of the requesting State is or is likely to be adversely affected by a release from a CCR unit in the approved State. See 42 U.S.C. 6945(d)(1)(D)(i)(I) through (IV).

In a State with an approved State CCR permit program, EPA may commence administrative or judicial enforcement actions under RCRA section 3008, 42 U.S.C. 6928, if the State requests assistance or if EPA determines that an EPA enforcement action is likely to be necessary to ensure that a CCR unit is operating in accordance with the criteria of the State's permit program. 42 U.S.C. 6945(d)(4). EPA can enforce any Federal requirements that remain in effect (*i.e.*, those for which there is no corresponding approved State provision). EPA may also exercise its

inspection and information gathering authorities under RCRA section 3007 in a State with an approved program. 42 U.S.C. 6927.

II. The North Dakota Application

Starting in November 2019, EPA began working with NDDEQ as the State developed its Application for the State's CCR permit program, and, over the course of several years, EPA had many interactions with NDDEQ about the development of a State CCR permit program. As it has with other States, EPA discussed with NDDEQ the process for EPA to review and approve the State's CCR permit program, NDDEQ's anticipated timeline for submitting a CCR permit program application to EPA, and NDDEQ's regulations for issuing permits. On September 21, 2020, the NDDEQ submitted its initial State CCR partial permit program application to EPA Region 8 for approval.

EPA reviewed NDDEQ's initial submission, held multiple meetings with the NDDEQ, and sent comments to NDDEQ regarding the application. In 2020 and 2021, EPA and NDDEQ discussed the State's adoption of certain provisions in the March 2018 Proposed Rule. Because this rule had not been finalized in relevant part, EPA advised the State that it would need to submit a record to justify those aspects of the State program if those non-finalized provisions were to be included. As a result, NDDEQ is not seeking approval of these provisions in its current application.

EPA also noted several differences in the State's technical regulations and the State's application for the partial permit program, including the need to further describe the public participation process for CCR permits in North Dakota. Following these discussions, NDDEQ submitted a revised application on May 21, 2021. Upon review of NDDEQ's revised application, EPA determined that the definition of “ground water” in the NDDEQ's State Rules at North Dakota Administrative Code (NDAC) section 33.1–20–01.1–03 was not as protective as the definition of “groundwater” in 40 CFR 257.53. Therefore, on February 23, 2023, after consultation with EPA, NDDEQ amended its regulations to update the definition of “ground water” as it applies to CCR units to be identical to the Federal definition. On March 10, 2023, NDDEQ submitted a revised partial CCR permit program application.

On May 16, 2025, EPA proposed to approve the North Dakota CCR permit program (Proposed Approval).

On June 26, 2025, NDDEQ informed EPA of rule changes to the North Dakota

Administrative Code (NDAC) Chapters 33.1–20–02, 33.1–20–03, and 33.1–20–08 of the Solid Waste Management Rules that the State completed in 2024.^{2,3} The rule changes became effective on October 1, 2024. The March 2023 application indicated that certain provisions would be added to and removed from the N.D.A.C. chapter 33.1–20–08, as applicable, the next time the State rules are updated.

On July 3, 2025, NDDEQ sent EPA the updated rule package with an annotated version of the CCR regulations, which is included in the docket for this action. From the North Dakota Legislative Council Package Submittal 2024,⁴ the amended rules regarding CCR are related to the changes to the Federal CCR regulations that EPA made in 2018 and 2020. Some of the amended rules were required in order for the State's CCR Permit Program Package to be approvable for the relevant provisions. The remainder of the rules are not related to any federal statute or regulation.

The 2024 updates to the State's rules incorporated the two categories of provisions for which North Dakota did not seek approval of in its March 10, 2023 application. EPA included 24 items for which the State did not seek approval in the proposed approval (90 FR 20994, 20995, May 16, 2025). In addition to addressing the partial program elements, NDDEQ made conforming rule changes to grammar, formatting, and requiring documents to be submitted to the State in facility permit applications.

On August 11, 2025, EPA issued a notice of availability and request for comment on EPA's analysis of NDDEQ's rule changes and how those impact EPA's proposed approval of the North Dakota CCR permit program. 90 FR 38619. EPA reopened the comment period to propose its intention to approve additional revisions to the North Dakota CCR permit program which, if finalized, will provide North Dakota with additional authority to implement a State CCR permit program. The Agency reopened the comment period to accept comments on the proposed revisions and EPA's evaluation of the changes. Additionally, EPA prepared an additional evaluation of North Dakota's CCR permit program

² NDDEQ 2024. North Dakota Solid Waste Management Rules NDCC Chapter 23.1–08 and NDAC Article 33.1–20.

³ NDDEQ 2024. Tracked Changes NDAC Article 33.1–20. October.

⁴ NDDEQ 2024. ND Legislative Council Package Submittal 2024, including written testimony of Diana Trussell, Solid Waste Program Manager. September.

¹ See U.S. Environmental Protection Agency. Coal Combustion Residuals State Permit Program Guidance Document; Interim Final, August 2017, Office of Land and Emergency Management, Washington, DC 20460 (providing that the 180-day deadline does not start until EPA determines the application is complete).

submittal in light of these revisions to the State program. EPA's evaluation can be found in the docket in a document titled "Addendum to the Technical Support Document for the Approval of North Dakota's Coal Combustion Residuals Permit Program, dated July 2025."

III. EPA Analysis of the North Dakota Application—Basis for Approval

RCRA section 4005(d) requires EPA to evaluate two components of a State CCR permitting program to determine whether it meets the standard for approval: the program itself, and the technical criteria that will be included in each permit issued under the State program. This section discusses EPA's review of both requirements under RCRA section 4005(d) and the criteria EPA uses to conduct this review.

First, EPA must evaluate the permit program itself (or other system of prior approval and conditions). See 42 U.S.C. 6945(d)(1)(A) through (B). RCRA section 4005(d)(1)(A) directs the State to provide evidence of a State permit program's compliance with RCRA requirements in such form as determined by the Administrator. In turn, RCRA section 4005(d)(1)(B) directs EPA to approve the State program based upon a determination that the program "requires each coal combustion residuals unit located in the State to achieve compliance with the applicable [Federal or State] criteria." In other words, the statute directs EPA to determine that the State has sufficient authority to require compliance at all CCR units located within the State. See also 42 U.S.C. 6945(d)(1)(D)(ii)(I). To make this determination, EPA evaluates the State's authority to issue permits and impose conditions in those permits, as well as the State's authority to conduct compliance monitoring and enforcement.

During this review of the State permit program, EPA also determines whether the program contains procedures consistent with the public participation directive in RCRA section 7004(b). RCRA section 7004(b), which applies to all RCRA programs, directs that "public participation in the development, revision, implementation, and enforcement of any . . . program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States." 42 U.S.C. 6974(b)(1). To make this determination, EPA evaluates the State's public participation procedures for issuing permits and for intervention in civil enforcement proceedings.

Although 40 CFR part 239 applies to the approval of State Municipal Solid

Waste Landfill (MSWLF) programs under RCRA section 4005(c)(1) rather than EPA's evaluation of CCR permit programs under RCRA section 4005(d), the specific criteria outlined in that regulation provide a helpful framework to examine the relevant aspects of a State's CCR permit program. States are familiar with these criteria because all States have MSWLF programs that have been approved pursuant to these regulations, and the regulations are generally regarded as protective and appropriate.

Consequently, EPA relied on the four categories of criteria outlined in 40 CFR part 239 as guidelines to evaluate the North Dakota CCR permit program: permitting requirements, requirements for compliance monitoring authority, requirements for enforcement authority, and requirements for intervention in civil enforcement proceedings.

Second, EPA must evaluate the technical criteria that will be included in each permit issued under the State CCR permit program to determine whether they are the same as the Federal criteria, or to the extent they differ, whether the modified criteria are "at least as protective as" the Federal requirements. See 42 U.S.C. 6945(d)(1)(B). Only if both components meet the statutory requirements may EPA approve the program. See 42 U.S.C. 6945(d)(1). EPA makes this determination by comparing the State's technical criteria to the corresponding Federal criteria and, where necessary, evaluating whether a different State criteria is at least as protective as the Federal criteria.

Upon careful review, and as discussed in more detail below, EPA has determined that the North Dakota CCR permit program includes all the elements of an adequate State CCR permit program. It also contains all the technical criteria in 40 CFR part 257, subpart D, except for the provisions specifically discussed below that North Dakota has not included in its partial permit program. Consequently, EPA is proposing to approve the North Dakota permit program "in part" by approval of the entirety of North Dakota's application, which does not encompass the full scope of Federal criteria as presently constituted. 42 U.S.C. 6945(d)(1)(B).

EPA's full analysis of the North Dakota CCR permit program, and how the North Dakota regulations differ from the Federal requirements, can be found in the Technical Support Document. EPA determined that the North Dakota CCR permit program application was complete and notified North Dakota of

its determination by letter dated May 16, 2025.⁵

A. Adequacy of the North Dakota Permit Program

Section 4005(d)(1)(A) of RCRA, 42 U.S.C. 6945(d)(1)(A), requires a State seeking State CCR permit program approval to submit to EPA, "in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State." Although the statute directs EPA to establish the form of such evidence, the statute does not require EPA to promulgate regulations governing the process or standard for determining the adequacy of such State programs. EPA, therefore, developed the *Coal Combustion Residuals State Permit Program Guidance Document; Interim Final* (82 FR 38685, August 15, 2017) (the "Guidance Document"). The Guidance Document provides recommendations on a process and standards that States may choose to use to apply for EPA approval of its CCR permit programs, based on the standards in RCRA section 4005(d), existing regulations at 40 CFR part 239, and the Agency's experience in reviewing and approving State programs.

EPA evaluated the North Dakota CCR permit program using the process and statutory and regulatory standards discussed in sections II.C. and IV.A. of this preamble. EPA's findings are summarized below and provided in more detail in the Technical Support Document located in the docket supporting this determination.

1. Guidelines for Permitting

In EPA's judgment, an adequate State CCR permit program must ensure that: (1) Existing and new facilities are permitted or otherwise approved and in compliance with either 40 CFR part 257 or other State criteria; (2) The State has the authority to collect all information necessary to issue permits that are adequate to ensure compliance with relevant 40 CFR part 257, subpart D requirements; and (3) The State has the authority to impose requirements for CCR units adequate to ensure compliance with either 40 CFR part 257, subpart D, or such other State criteria that have been determined and approved by the Administrator to be at least as protective as 40 CFR part 257, subpart D.

⁵ The North Dakota application, EPA's completeness determination letter, and the Technical Support Document are available in the docket supporting this action.

All owners and operators of existing and new CCR units in North Dakota are required to comply with State CCR rules found at NDAC Chapter 33.1–20–08, and to obtain a permit in accordance with NDAC section 33.1–20–02.1 and NDAC section 33.1–20–03.1. The State CCR regulations require every person who treats or transports solid waste or operates a solid waste management unit or facility, including CCR units, to have a valid permit issued by the NDDEQ. See NDAC section 33.1–20–01.1, 33.1–20–02.1. Permit application requirements can be found in NDAC section 33.1–20–03.1–02. Once a permit application has been submitted, NDDEQ will decide whether to approve the application, return it for clarification and additional information, or deny the application. See NDAC section 33.1–20–03.1–03. If the application is approved, NDDEQ will prepare a draft permit and publish a public notice in all daily newspapers of general circulation within the State of its preliminary determination to issue a permit. See NDAC section 33.1–20–03.2–03. The public may submit comments within 30 days of the notice and NDDEQ will consider all written comments in its final determination. See NDAC 33.1–20–03.2–03. Additionally, NDDEQ may hold a public hearing if there is significant public interest. Then, NDDEQ addresses public comments on the draft permit and makes the response to comments publicly available. See NDAC section 33.1–20–03.1–03(3b). NDDEQ has 120 days to review and approve or disapprove the application. See NDAC section 33.1–20–03.1–04. Then, NDDEQ issues the final permit decision and notifies the applicant and public commenters. As a matter of policy, NDDEQ's Solid Waste Program posts all final permits for 30 days on the NDDEQ website at: <https://deq.nd.gov/PublicNotice.aspx> and <https://deq.nd.gov/wm/PublicNotices/default.aspx>. A notice is sent out through NDDEQ's listserv stating that a final permit has been posted on NDDEQ's website. This policy applies to all permit applications for major modifications, new applications, and renewals.

A permit may be modified, suspended, revoked, or denied by NDDEQ for various reasons, including: (1) Circumstances that do not meet the purpose and provisions of NDDEQ's solid waste regulations, the provisions of the permit, or the plans and specifications submitted as part of the permit application; or (2) Violations of any applicable laws or rules. See NDAC section 33.1–20–02.1–07. The State's

regulations specify what changes are major modifications. See NDAC section 33.1–20–02.1–07(4). Other changes to the permit may be made by written notice to and approval by NDDEQ, such as a change in the frequency of monitoring and reporting, waste sampling or analysis method, schedules of compliance, and revised cost estimates for closure and post-closure care. See NDAC section 33.1–20–02.1–07(3). An application for modification of a solid waste management unit or facility must follow the procedures and provisions in NDAC section 33.1–20–03.1–02.

The permit duration for all solid waste management facilities, including CCR facilities, is no more than ten years from the date of issuance. See the statute at North Dakota Century Code (NDCC) section 23.1–08–09(1). All permits are nontransferable. NDCC section 23.1–08–09(1). An application for renewal of any permit must be submitted at least sixty days prior to the expiration date. See NDAC section 33.1–20–02.1–08. The application for renewal must follow the procedures and provisions of NDAC section 33.1–20–03.1–02. The conditions of an expired permit continue until the effective date of a new permit if the permittee has submitted a timely and complete application for a new permit and NDDEQ, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit. See NDAC section 33.1–20–02.1–08. Permit renewals are subject to the same requirements as new permit applications and are therefore also subject to a 30-day public comment period and the optional public hearing, consistent with NDAC section 33.1–20–03.1–03(3). *Id.*

NDDEQ has the authority to collect all information necessary to issue permits that are adequate to ensure compliance with NDAC Chapter 33.1–20–08. Specifically, NDAC section 33.1–20–02.1–04 requires permit compliance such that “all solid waste management facilities and activities must be performed, constructed, operated, and closed in a manner consistent with the permit application and subject to any modifications specified through permit conditions.” In addition, NDAC section 33.1–20–03.1–02(6) specifies the information that applicants for a solid waste permit, including a CCR unit permit, are required to submit to show compliance with the solid waste rules.

EPA has determined that North Dakota's approach to CCR permit applications and approvals meets the standard for program approval.

2. Guidelines for Public Participation

Based on RCRA section 7004, 42 U.S.C. 6974, it is EPA's judgment that an adequate State CCR permit program will ensure that: (1) Documents for permit determinations are made available for public review and comment; (2) Final determinations on permit applications are made known to the public; and (3) Public comments on permit determinations are considered and significant comments are responded to in the permit record. EPA's review of North Dakota's CCR permit program indicates that the State has adopted public participation procedures that allow interested parties to talk openly and frankly about permit issues and search for mutually agreeable solutions to differences in views. An overview of North Dakota's public participation provisions is provided below.

a. Public Notice and Participation in the CCR Permit Application Process

The State program provides public notice in several ways and at several different stages of the permitting process, which taken together ensure that documents for permit determinations are subject to public review and comment. NDDEQ requires State CCR permit applicants to provide notice to the public. Under NDAC section 33.1–20–03.1–02, NDDEQ requires an applicant for a new solid waste management facility permit to publish a notice to the public that an application for a new permit, permit modification, or renewal of a permit has been submitted to the State. The notice must indicate the type and location of the unit or facility and must be published in two separate publications of the official county newspaper of the county in which the facility is or will be located. Pursuant to NDAC 33.1–20–03.1–02, applicants proposing a solid waste management unit in a mining permit area for disposal of CCR must also file a copy of the application with the Public Service Commission in accordance with NDAC section 69–05.2–19.02(1). In addition to these obligations on the permit applicant, the North Dakota program also requires the State itself to provide notice to the public. NDCC 23.1–08–09 provides that NDDEQ shall give public notice upon receipt of a permit application in the official newspaper of the county in which the facility is to be located, noting the State is considering an application for a solid waste management facility. The notice must include the name of the applicant, the location of the facility, and a description of the facility.

If NDDEQ makes a preliminary determination to issue a permit for a solid waste management facility, NDDEQ prepares an application review memo and draft permit. See NDAC section 33.1–20–02.1–03. The application review memo briefly describes the principal facts and the significant factual, legal, procedural, and policy questions that were considered in preparing the draft permit. It also includes a facility description, the activity subject to the permit, the type and quantities of wastes to be disposed, the permit conditions, actions on any requested variances, the procedures for reaching a final permit decision, and contact information. NDAC section 33.1–20–03.1–03(3) requires the State to publish public notice for a draft solid waste management facility permit in the official county newspaper of the county in which the solid waste management unit or the facility is located and daily newspaper of general circulation in the area of the facility. Per State policy, the public notice is posted on the NDDEQ Division of Waste Management's website under the Public Comments and Notices section. The public can view and download the application, review documents, and contact the State to request the application. The State transmits its notice of preliminary determination to issue a permit in writing to each unit of local government having jurisdiction over the area in which the facility is or will be located, and to each State agency having any authority under State law with respect to the construction and operation of the facility. The public notice is also sent to NDDEQ's email listserv group, which transmits the notice to all members of the public that have signed up to receive electronic public notices from NDDEQ. The State may also use other methods to provide direct notice to persons potentially affected by the permitting action.

NDDEQ accepts public comment on the draft permit during a 30-day public comment period. NDAC 33.1–20–03.1–03 specifies that interested persons may submit written comments on the draft permit during that time, and all written comments will be considered in NDDEQ's final determination. In addition, whenever a final permit decision is made, NDDEQ makes available to the public a written response to all significant comments on the draft permit raised during the public hearing and public comment period. See NDDEQ's statute at NDCC section 23.1–01–11. This response will also specify which provisions, if any, in the draft

permit have been changed in the final permit decision and the reasons for the change. The public comment period may be extended for permit applications with significant public interest. NDDEQ has discretion to grant extensions based on public interest. To request an extension of the public comment period, a written comment must be submitted as listed in the public notice. The public notice states, "During that period, any interested person may submit written comments and request a public hearing by stating the nature of specific issues to be raised." This applies to all permit applications for major modifications, new and/or renewals. NDAC 33.1–20–02.1–07(5) and 33.1–20–02.1–08 (citing to NDAC 33.1–20–03.1–02); See NDAC 33.1–20–03.1–03 (in which "the draft permit" includes new permits, permits with major modifications, and permit renewals). NDAC 33.1–20–03.1–03(3)(b) provides that NDDEQ may hold such a hearing if it determines that there is a significant public interest in a hearing. That provision further provides that a public notice will be issued in the same manner as the for a draft permit and that the hearing will be held at least fifteen days after the public notice has been published.

In addition, NDAC 33.1–20–08–06(6)(e) requires a public meeting with interested and affected persons whereby the owner or operator must discuss results of the assessment of remedial measures at least 30 days prior to selection of a corrective action remedy.

The State's provisions for open records laws are found in section 6 of Article XI of the North Dakota Constitution and section 44–04 of the NDAC.

b. Challenges To Permit Decisions

NDCC 23.1–01–11 provides that any person aggrieved by a permit decision may file an appeal in district court within 30 days of notification of the permit decision. NDCC 28–32–40 grants any person aggrieved by any NDDEQ decision the right to request a rehearing. In accordance with NDCC 28–32–42, any party to a proceeding may appeal NDDEQ's final order or decision to district court within 30 days of the order or decision. Petitions to reopen a hearing or for a rehearing may be made under NDCC 98–02–04.

EPA has determined that North Dakota's approach to public participation requirements provides adequate opportunities for public participation in the permitting process sufficient to meet the standard for program approval. The provisions described above meet the three criteria listed at the beginning of this section by

providing several means by which documents for draft and final permit determinations are made available for public review and comment, as well as ensuring that public comments on permit determinations are considered and significant comments are responded to in the permit record.

3. Guidelines for Compliance Monitoring Authority

It is EPA's judgment that an adequate permit program should provide the State with the authority to gather information about compliance, perform inspections, and ensure that information it gathers is suitable for enforcement. NDDEQ has compliance monitoring authority under NDCC 23.1–08–18 and NDAC 33.1–20–04.1–04(2). Specifically, the State has statutory authorities to conduct inspections (including monitoring and testing) and enter a site for the purposes of determining compliance. See (1) NDAC 33.1–20–04.1–04(2) for the authority to obtain records and information, (2) NDCC 23.1–08–18 for the authority to conduct monitoring and testing, and (3) NDCC 23.1–08–18 for the authority to access any site or premise subject to the permit program or the records location. In addition, NDCC 23.1–08–18 provides that NDDEQ "may inspect all solid waste management activities and facilities, at all reasonable times, to ensure compliance with the laws of this State, the provisions of this chapter, and the rules authorized under this chapter."

In addition, NDAC section 33.1–20–03.1–02(6) specifies the information that applicants for a solid waste permit, including a CCR unit permit, are required to submit to show compliance with the solid waste rules:

- The site characterization in NDAC section 33.1–20–13–01 and a demonstration that the site fulfills the location standards of NDAC section 33.1–20–04.1–01. The location standards for CCR units are found in NDAC section 33.1–20–08–03;
- Soil survey and segregation of suitable plant growth material;
- Demonstrations of capability to fulfill the general facility standards of NDAC section 33.1–20–04.1–02;
- Facility engineering specifications adequate to demonstrate the capability to fulfill performance, design, and construction criteria provided for CCR units in NDAC chapter 33.1–20–08;
- The plan of operation required in NDAC section 33.1–20–04.1–03. Operation requirements for CCR units are in NDAC section 33.1–20–08–05;

- The place where the operating record is or will be kept, NDAC section 33.1–20–04.1–04.

- Requirements for recordkeeping, notification, and posting of information to the internet are in NDAC section 33.1–20–08–08;

- Demonstration of capability to fulfill the ground water monitoring standards, NDAC section 33.1–20–08–06 or 33.1–20–13–02;

- Construction quality assurance and quality control;

- Demonstrations of capability to fulfill the closure standards, NDAC section 33.1–20–04.1–05 and otherwise provided by the solid waste rules;

- Demonstrations of capability to fulfill the post-closure standards, NDAC section 33.1–20–04.1–09 and otherwise provided by the solid waste rules; and
- An environmental compliance disclosure statement as required by NDCC section 23.1–08–17.

The State has authorities and guidelines for inspections, analysis and monitoring, which allow the State to: (1) Verify the accuracy of information submitted by owners or operators of the CCR unit; (2) Verify the adequacy of methods (including sampling) used by owners or operators in developing that information; (3) Produce evidence admissible in an enforcement proceeding; and (4) Receive and ensure proper consideration of information submitted by the public. See NDAC 33.1–20–04.1–04(2) for the authority to obtain all records and information necessary to determine compliance with State requirements. An owner or operator shall provide a copy of any document in its operating record upon NDDEQ's request. NDDEQ verifies all plans and reports for completeness, accuracy, and compliance. NDDEQ uses guidelines based on standard industry practices to verify the adequacy of methods used. Any alternate method, including supporting documentation, must be evaluated and approved by the State. Waste samples must be analyzed in a State approved and certified laboratory. The State employs quality assurance and chain-of-custody procedures from their Quality Assurance Manual, which was approved by EPA Region 8.⁶ In addition, the State ensures that it receives and ensures proper consideration of compliance information submitted by the public as North Dakota places a high priority on addressing public comments and

investigating and tracking complaints in NDDEQ's Complaints Database.

EPA has determined that these compliance monitoring authorities are adequate, and that this aspect of the North Dakota CCR permit program meets the standard for program approval.

4. Guidelines for Enforcement Authority

It is EPA's judgment that an adequate State CCR permit program should provide the State with adequate enforcement authority to administer its State CCR permit program, including the authority to: (1) Restrain any person from engaging in activity which may damage human health or the environment, (2) Sue to enjoin prohibited activity, and (3) Sue to recover civil penalties for prohibited activity.

NDDEQ has adequate enforcement authority under the State's statutory authorities to immediately address activities that may endanger or cause damage to human health and the environment. NDCC 23.1–08–20 contains the authorities for injunction proceedings, whereby the State may maintain an action in the name of the State enjoining the action or for an order directing compliance. NDCC 23.1–08–03 contains the powers and duties of the State to prepare, issue, modify, revoke, and enforce orders after investigation, inspection, notice, and hearing requiring remedial measures for solid waste management as necessary or appropriate.

NDDEQ can sue in superior court for permanent and temporary injunctions, restraining orders, and other relief for activities that violate the State program. The authorities for these actions are contained in NDCC 23.1–08–20 and NDCC 23.1–08–03. The State has the authority to bring an administrative action to assess civil penalties for violations of the State's program. NDCC 23.1–08–23 provides the authority to assess a civil penalty up to \$12,500 per day per violation of the Code, State rules, or conditions of permits. The State also utilizes the same penalty policies, procedures, and penalty calculation matrix as the other portions of the State's RCRA program. The State also utilizes EPA's RCRA Civil Penalty Policy⁷ as a guide where circumstances dictate assessment of a penalty.

EPA has determined that this aspect of the North Dakota CCR permit program meets the standard for program approval.

5. Intervention in Civil Enforcement Proceedings

Based on RCRA section 7004, it is EPA's judgment that an adequate State CCR permit program should provide an opportunity for citizen intervention in civil enforcement proceedings. Specifically, the State must either: (1) Provide for citizen intervention as a matter of right, or (2) Have in place a process to (a) Provide notice and opportunity for public involvement in civil enforcement actions, (b) Investigate and provide responses to citizen complaints about violations, and (c) Not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation.

The State program meets the first requirement. Under NDCC 23.1–08–23, North Dakota has specific authorities for intervention as a matter of right, and NDDEQ's rules provide for persons adversely affected by a violation to commence a civil action. This NDDEQ provision is specific to CCR or any permit condition, rule, order, limitation, or other requirement implementing the chapter relating to CCR. Under the North Dakota Environmental Law Enforcement Act of 1975, NDCC 32–40–06, any person aggrieved by a violation of any environmental statute, rule, or regulation may bring an action in the appropriate district court for enforcement and/or damages.

NDDEQ actively investigates and provides responses to citizen complaints, but it has not been the policy of NDDEQ to provide notice and opportunity for public involvement in proposed settlements of civil enforcement actions. NDDEQ does not oppose justified citizen interventions in accordance with NDCC section 23.1–08–23. However, since the State program meets the first requirement, it does not need to meet (2)(a) and (2)(c).

Because the State statute provides for intervention as a right in any civil action, and thus meets the first requirement, EPA has determined that these authorities provide for an adequate level of citizen involvement in the enforcement process, and that this aspect of the North Dakota CCR permit program meets the standard for program approval.

B. Adequacy of Technical Criteria

EPA conducted an analysis of North Dakota's CCR permit program application, including a thorough analysis of North Dakota statutory authorities for the CCR program, as well as its regulations at NDAC Chapter 33.1–20–08 of the Solid Waste Management Rules and NDCC 23.1–08

⁶ North Dakota Department of Environmental Quality. 2022. Quality Management Plan for the Department of Environmental Quality. Revision 12. Document Applicable for five years from date of EPA Region 8 RQAM Signature. August.

⁷ EPA, Resource Conservation and Recovery Act (RCRA) Civil Penalty Policy, available at <https://www.epa.gov/enforcement/resource-conservation-and-recovery-act-rcra-civil-penalty-policy>.

Solid Waste Management and Land Protection. As noted, North Dakota has requested approval of its partial CCR permit program, which is described further below.

1. North Dakota CCR Units and Resources

NDDEQ has identified 15 disposal units that are currently or have been used for disposal of CCR wastes (seven landfills and eight surface impoundments) at seven facilities in North Dakota.⁸ EPA has determined that NDDEQ has demonstrated that it has the personnel and funding to administer a permit program that is at least as protective as the Federal requirements for these 15 units.⁹ North Dakota indicates that the State program is funded from two sources: permit fees and State general funds appropriated to NDDEQ. NDDEQ anticipates that the total funds for administering the Solid Waste Program, including the CCR permit program, will continue to be approximately \$2.2 million. In addition, NDDEQ applied for EPA State and Tribal Assistance Grants (STAG) funding for Fiscal Years 2021 through 2023. In total, NDDEQ has received \$571,396 in STAG funding to develop its CCR permit program. If EPA receives future appropriations, if approved, NDDEQ can continue to apply and receive funds for implementation of its CCR permit program. EPA has determined that the NDDEQ staffing and funding are adequate for NDDEQ to administer the CCR permit program.

2. North Dakota CCR Regulations

EPA has determined that the portions of the North Dakota CCR permit program that were submitted for approval meet the standard for approval under RCRA section 4005(d)(1)(B)(i), 42 U.S.C. 6945(d)(1)(B)(i). To make this determination, EPA compared the technical requirements in the North Dakota CCR regulations at NDAC Chapter 33.1–20–08 to the Federal CCR regulations at 40 CFR part 257 to determine whether they differed from the Federal requirements, and if so, whether those differences met the standard in RCRA sections 4005(d)(1)(B)(ii) and (C), 42 U.S.C. 6945(d)(1)(B)(ii) and (C).

NDDEQ derives its authority to operate the Solid Waste Program in

North Dakota from the Solid Waste Management and Land Protection Act, NDCC Chapter 23.1–08. NDDEQ largely adopted by reference the requirements at 40 CFR part 257, subpart D. See NDAC Chapter 33.1–20–08. Specifically, on July 1, 2020, North Dakota adopted by reference 40 CFR part 257, subpart D, as amended through the July 2018 Final Rule, and as modified by the *USWAG* decision. In addition, North Dakota adopted certain provisions from the March 2018 Proposed Rule, which provided certain flexibilities that were never finalized in the Federal CCR regulations, and the July 2018 final rule, which was challenged in the *Waterkeeper* litigation before the D.C. Circuit and is being reconsidered by EPA; therefore, EPA is not able to approve the majority of these flexibility provisions. For this reason, NDDEQ is no longer seeking approval for the majority of these flexibility provisions, which are described more in the Technical Support Document.

In addition, on February 23, 2023, after consultation with EPA, NDDEQ amended its State regulations to update the definition of “ground water” as it applies to CCR facilities. In the Proposed Approval, EPA included a list of 24 items for which NDDEQ did not seek approval of in its March 10, 2023 application. However, as discussed at 90 FR 38619 through 38620 and in the Addendum to the Technical Support Document, NDDEQ updated its regulations at NDAC Chapters 33.1–20–01.1 (General Provisions), 33.1–20–02.1 (Applicability), and 33.1–20–08 (Disposal of Coal Combustion Residuals (CCR) in Landfills and Surface Impoundments) in 2024. North Dakota’s CCR regulations reflect the Federal CCR regulations.

In addition to the technical criteria in NDAC Chapter 33.1–20–08, North Dakota has adopted State-specific permit requirements in NDAC 33.1–20–02; public participation requirements in NDAC 33.1–20–03.1–02, NDAC 33.1–20–03.1–03, NDCC 23.1–08–09, and NDAC 33.1–20–08–06; and State financial assurance requirements in NDAC 33.1–20–14. For certain activities, North Dakota has additional requirements for CCR units, described more in the Technical Support Document.

C. North Dakota’s Permits Issued Under the State CCR Regulations

Pursuant to North Dakota’s CCR regulations, the owner or operator of an existing CCR unit that received CCR on or after October 19, 2015, was required to apply to NDDEQ to modify any existing permit to comply with the

State’s CCR regulations by July 1, 2022. NDAC section 33.1–20–08–2(9). All owners and operators of CCR units within the State applied for a modified permit. Subsequently, NDDEQ issued modified permits to the owners and/or operators of all CCR units in the State.

1. North Dakota’s Previously-Issued Permits Under the Unapproved State CCR Regulations Are Not Part of the Permit Program Evidence Under Review

On March 10, 2023, NDDEQ submitted its revised State partial CCR permit program application and requested approval of the State’s partial CCR permit program. From 2023 to 2025, EPA and NDDEQ met several times to discuss the program application and the existing State CCR permits. In these conversations, EPA and NDDEQ discussed, among other topics, technical aspects of these permits including monitored natural attenuation, groundwater monitoring, and alternative source demonstrations.¹⁰

Following these discussions, North Dakota subsequently indicated to EPA that it does not seek to have its existing permits included in the partial CCR permit program submitted for approval. Instead, NDDEQ committed to review and reissue these permits in full to ensure compliance with the Federally approved program, after EPA issues its final determination of adequacy.¹¹ Therefore, EPA has treated these existing permits as outside the program evidence submitted for EPA review and thus not relevant to the decision on the permit program. See 42 U.S.C. 6945(d)(1)(A), and (d)(1)(B).

¹⁰ The Agency included the technical documents that EPA reviewed as part of the NDDEQ permit review and these are summarized in the Technical Support Document and the documents are in the docket for this action.

¹¹ In a March 10, 2025 letter, NDDEQ stated that upon approval of the North Dakota CCR permit program, the State commits to: (1) review and amend, as appropriate, all existing permits scheduled to expire in 2025 and 2026; (2) review and amend, as appropriate, all existing permits scheduled to expire in or after 2027; and (3) all actions on existing permits will follow the public notification and comment requirements in the Federally approved CCR program. North Dakota sent a subsequent letter on April 11, 2025 that stated NDDEQ would consider all permits issued under the State program to be Federally enforceable and committed to reviewing all existing permits to ensure compliance with the Federally approved program. EPA reached out to NDDEQ to follow-up on the meaning of this letter because it could be read as being inconsistent with the March 10, 2025 letter. During this conversation, the State explained it intended to take action in accordance with its March 10, 2025 letter and suggested EPA could disregard the April 11, 2025 letter. A summary of the communication between EPA and NDDEQ is included in the Technical Support Document and records of the interactions are included in the docket for this action.

⁸ For more information on the specific facilities covered by the North Dakota CCR Permit Program, see pages 25–26 of the Narrative, which is included in the docket for this action.

⁹ The discussion on State personnel and funding is included on pages 26–30 of the Narrative, which is included in the docket for this action, and is described further in the Technical Support Document.

2. Status of North Dakota's Previously-Issued Permits Issued Under the Unapproved State CCR Regulations

Because North Dakota has chosen to exclude its previously issued permits from the scope of its permit program application, those permits are not effective under RCRA as a consequence of this final approval action. Thus, any permits issued prior to EPA's approval of the State's partial permit program do not provide facilities with the Federal permit shield in RCRA sections 4005(d)(3) and (d)(6). 42 U.S.C. 6945(d)(3) and (d)(6). Instead, these permits will only become a part of the State's approved program and give rise to the Federal permit shield once renewed or reissued "in accordance with" the approved program. 42 U.S.C. 6945(d)(6)(A). Similarly, RCRA section 4005(d)(3)(A) makes clear that in the absence of a permit "under" an approved State program, facilities are still directly subject to the Federal CCR regulations. EPA intends to review the reissued permits in conjunction with the program review required by RCRA section 4005(d)(1)(D)(i) and 4005(d)(1)(D)(ii). 42 U.S.C. 6945(d)(1)(D)(i), (ii).

D. Public Comment Period

EPA announced its proposal to approve the North Dakota partial CCR permit program, and a 60-day public comment period on May 16, 2025 (90 FR 20985). EPA also held a public hearing on July 8, 2025. The public hearing provided interested persons the opportunity to present information, views, or arguments concerning EPA's proposal. Oral comments received during the public hearing are documented in the transcript of the hearing, which, along with the written comments received during the public comment period, is included in the docket for this Action.

On August 11, 2025, EPA reopened the comment period for an additional 15-day public comment period to propose its intention to approve additional revisions to the North Dakota CCR permit program which, if finalized, will provide North Dakota with additional authority to implement a State CCR permit program.

E. EPA Responses to Major Comments on the Proposed Determination

EPA received 21 written public comments and seven comments from the public hearing during the initial comment period, and eight written public comments on the reopened comment period. The major comments received by EPA focused on three

primary topics: 1) Partial Program and North Dakota Adoption of the Federal Regulations, 2) Public Participation, and 3) North Dakota CCR Permits. EPA's responses to individual comments are provided in the Response to Comments document included in the docket for this Action.

1. Partial Program and North Dakota Adoption of the Federal Regulations

Comment summary: A few commenters mentioned that North Dakota is seeking a partial program approval because of revisions in the federal program but it was unclear to the commenters about what NDDEQ adopted, what was excluded from the State program approval, and what the effect of the partial program would be for North Dakota. Other commenters said that North Dakota met the necessary criteria for a partial program approval.

Comment response: EPA determined that partial program approval is appropriate, in part because North Dakota's regulations include some provisions that NDDEQ did not adopt from the current Federal CCR regulations. North Dakota's CCR regulations reflect the Federal CCR program through December 14, 2020; however, the Federal CCR regulations have changed since then as a result of the litigation and the Legacy CCR surface impoundments and CCR management units final rule. As such, North Dakota submitted to EPA for approval only those aspects of its CCR program that are consistent with the current Federal CCR regulations.

Accordingly, the below three items will not be covered under the State's partial permit program as NDDEQ did not adopt the provisions. Therefore, these will continue to be regulated under the Federal CCR regulations:

1. Amendments made in the "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy CCR Surface Impoundments" rule (89 FR 38985, May 8, 2024) and the technical corrections direct final rule (89 FR 88650, November 8, 2024). These changes are detailed in the corresponding **Federal Register** documents. NDDEQ did not adopt changes with regards to these final rules.

2. 40 CFR 257.71(d) for alternate liner demonstrations; and

3. 40 CFR 257.95(h)(2): the alternative groundwater protection standard concentrations for cobalt, lead, lithium, and molybdenum; the D.C. Circuit remanded this provision back to EPA for reconsideration. *Waterkeeper Alliance, Inc. v. EPA*, No. 18–1289, Doc. 1777351 (D.C. Cir March 13, 2019). This provision currently remains under reconsideration by the Agency.

With the exception of the three items noted above, EPA has determined that the North Dakota CCR regulations contain all of the technical elements of the Federal CCR regulations, including requirements for location restrictions, design and operating criteria, groundwater monitoring and corrective action, closure requirements and post-closure care, recordkeeping, notification and CCR website posting requirements. The North Dakota CCR permit program also contains State-specific language, references, definitions, and State-specific requirements that differ from the Federal CCR regulations, but which EPA has determined to be "at least as protective as" the Federal criteria.

The effect of approving a partial State CCR program is that, except for the provisions for which EPA has not granted approval, the North Dakota CCR permit program will operate in lieu of the Federal regulations. For the State provisions that are not approved upon finalization, the corresponding Federal requirements will continue to apply directly to facilities, and therefore facilities must comply with both the Federal requirements and the State requirements.

2. Public Participation

Comment summary: Some commenters mentioned that NDDEQ does not offer adequate public participation opportunities in the North Dakota CCR permit program during the permit comment period. Those commenters indicated difficulty accessing draft permits during the comment period and were concerned about major permit modifications taking place without public input. Other commenters stated that there are ample opportunities for public participation throughout the permit review process.

Comment response: EPA determined that NDDEQ's approach to public participation provides adequate opportunities for participation in the permitting process sufficient to meet the standard for program approval. NDAC section 33.1–20–03.1–03(3) requires the State to publish public notice for a draft solid waste management facility permit in the official county newspaper of the county in which the solid waste management unit or the facility is located and daily newspaper of general circulation in the area of the facility. Per State policy, the public notice is posted on the NDDEQ Division of Waste Management's website under the Public Comments and Notices section. The public can view and download the application, review documents, and contact the State to request the application.

The State transmits its notice of preliminary determination to issue a permit in writing to each unit of local government having jurisdiction over the area in which the facility is or will be located, and to each State agency having any authority under State law with respect to the construction and operation of the facility. The public notice is also sent to NDDEQ's email listserv group, which transmits the notice to all members of the public that have signed up to receive electronic public notices from NDDEQ. The State may also use other methods to provide direct notice to persons potentially affected by the permitting action.

Per NDAC 33.1–20–03.1–03(3)(a), interested persons may submit written comments to the department on the draft permit within thirty days of the final public notice and all written comments must be considered by NDDEQ. Per NDAC 33.1–20–03.1–03(3)(b), NDDEQ may hold a hearing if there is significant public interest and that the hearing will be before the department and at least 15 days after the public notice has been published. Once the comment period has been completed, the public can request records from NDDEQ through its Open Records process. Information on this process can be found in the following link: <https://deq.nd.gov/OpenRecords.aspx>.

3. North Dakota CCR Permits

Comment summary: Commenters state that RCRA obligates and authorizes EPA to regulate CCR units and that EPA promulgated the Federal CCR regulations. Commenters maintain that the 2015 CCR Rule was a response to “overwhelming evidence” that CCR disposal poses serious risks to human health and the environment because it contains many toxic and hazardous contaminants including arsenic, cadmium, chromium, lead, mercury, selenium, and thallium and those contaminants are responsible for a wide range of adverse health and environmental effects.

Commenters note that the 2015 CCR Rule established minimum criteria, including location restrictions, design requirements, operating requirements, and closure and post-closure requirements. Commenters note that the provisions include requirements for semi-annual groundwater monitoring, corrective action, location restrictions, structural stability criteria for impoundments, and comprehensive closure and post-closure requirements. Commenters state that any unit that fails to comply with these criteria is deemed

an “open dump” and is subject to closure.

Commenters note that the 2015 CCR Rule was challenged in court, and in its 2018 decision *Utility Solid Waste Activities Group v. EPA* (“USWAG”), the U.S. Court of Appeals for the D.C. Circuit sided with environmental challengers and held that: delaying closure of unlined CCR ponds until contamination was detected was unacceptable given the high probability of such contamination; excluding from regulation inactive CCR ponds at inactive power plants—termed “legacy” ponds—was unlawful given the risks they present; and allowing inadequately lined ash ponds to continue operating failed to satisfy RCRA’s section 4004(a) protectiveness standard. Commenters further state that the D.C. Circuit instructed EPA to strengthen the 2015 CCR Rule by requiring closure of all unlined impoundments, regulating legacy ponds, and requiring inadequately lined CCR surface impoundments to close.

Commenters note that EPA regulated legacy ponds in a 2024 rule and the Agency imposed regulatory safeguards on inactive landfills. Commenters assert that the risks from legacy ponds and inactive landfills are “at least as significant” as active unlined surface impoundments and landfills already regulated by the 2015 CCR Rule. Commenters further note that EPA issued other CCR regulations between 2015 and 2024 largely in response to industry requests. Commenters describe and discuss these additional rules.

Commenters state that EPA established the 2015 CCR Rule to be “self-implementing” and largely enforced through citizen suits and that RCRA subtitle D neither authorized EPA to directly implement or enforce minimum national criteria for solid waste disposal facilities, nor required States to adopt, implement, or enforce EPA’s minimum criteria. Commenters note that in 2016, RCRA was amended to allow the EPA to approve State permitting programs to operate in lieu of EPA regulation of CCR units in a State and cited and quoted RCRA sections 4005(d)(1)(A) and (B). Commenters state that EPA has approved applications from three States—Oklahoma, Georgia, and Texas—and denied Alabama’s application.

Commenters conclude that EPA must deny North Dakota’s CCR permit program because the commenters maintain that the State program does not provide prior approval of essential information and planned actions or impose necessary conditions that will ensure CCR units in the State will

achieve compliance with provisions at least as protective as the Federal CCR regulations. Commenters assert that North Dakota’s program does not meet this standard because the State issues CCR permits without subjecting the applications to sufficient scrutiny with respect to fundamental issues like groundwater monitoring and closure plans. Commenters state that adequate permits cannot be issued without such information.

Commenters cite to EPA’s discussion of the Colbert permit in the Alabama denial (Proposed 88 FR 55220, August 14, 2023; Final 89 FR 48774, June 7, 2024) wherein EPA concluded Alabama’s CCR permit program was not operating as a system of prior approval because, as an example, EPA stated that Alabama failed to implement an adequate corrective actions program at Colbert even though the facility provided an Assessment of Corrective Measures (ACM) before the State issued a permit for the facility’s CCR units. Commenters note that EPA went on to explain that Alabama’s CCR program did not have sufficient oversight and did not provide an independent evaluation of proposed permit terms or a sufficient evaluation of the information in the permit records. Commenters then assert that North Dakota’s CCR program has the same problems as Alabama’s program. Commenters acknowledge that NDDEQ’s regulations require scrutiny of CCR permit applications, but the commenters maintain that NDDEQ does not conduct meaningful reviews of permit applications or issues permits that ensure CCR units in the State comply with the minimum level of protectiveness.

Commenters state that EPA cannot approve North Dakota’s CCR program unless it determines that the State’s program is “at least as protective as” the requirements in the Federal CCR regulations. Commenters note that the State has already issued eight CCR permits pursuant to the program EPA proposes to approve and that mirrors the Federal CCR regulations. Commenters assert that EPA improperly ignored the State CCR permits and therefore ignored how the State is implementing its program. Commenters assert that EPA erroneously determined in the proposed approval that the North Dakota CCR permits are not relevant to the decision on the permit program because the State will have to review and reissue the permits after program approval.

Commenters argue that the language in RCRA section 4005(d)(1)(B) requires EPA to evaluate North Dakota’s

implementation of its State program at the time of its application because to do otherwise is to base the decision upon speculation about how North Dakota might operate its program in the future. Commenters also maintain that because the North Dakota rule language mirrors the Federal CCR regulations that is it clear that NDDEQ understands the regulations and has determined to implement the regulatory language differently than EPA. Commenters point to EPA's denial of Alabama's CCR permit program to support their conclusion that CCR permits are essential to determining whether a State's program requires each CCR unit to achieve compliance with at least the minimum level of protection. Commenters quote EPA's Alabama determination wherein EPA stated that the Agency must consider "both a State's statute and regulations and what the State actually requires individual CCR units to do, such as in permits or orders . . ." Commenters further quoted EPA's Alabama determination: "[I]t would be both unreasonable and arbitrary and capricious to ignore issued permits since they are the best evidence of whether a State program does in fact require each CCR unit in the State to achieve compliance with the Federal CCR regulations or State standards that are at least as protective as the Federal regulations."

Commenters then state that EPA's conclusion in its Alabama determination is consistent with statements in its Proposed Approval for North Dakota and quotes that determination: EPA must evaluate the technical criteria that will be included in each permit issued under the State CCR permit program to determine whether they are the same as the Federal criteria, or to the extent they differ, whether the modified criteria are "at least as protective as" the Federal requirements . . . [and that] an adequate State CCR permit program must ensure that . . . [e]xisting and new facilities are permitted or otherwise approved and in compliance with either 40 CFR part 257 or other State criteria."

Commenters then note that in the Alabama determination that EPA argued that RCRA section 4005(d) requires EPA to consider what the State actually requires for individual CCR units by evaluating permits given the permit shield provisions. Commenters note that EPA indicated such review is important because once a final CCR permit is issued by an approved State or pursuant to a Federal CCR permit program, the terms of the permit apply in lieu of the terms of the Federal CCR regulations

and/or requirements in an approved State program.

Commenters argue that it is essential for EPA to review State permits because they are essential components of a State program, and that EPA must consider them to determine whether the program satisfies the conditions in RCRA section 4005(d). Commenters therefore argue that EPA cannot ignore State-issued permits and still meet its statutory duty to determine whether a State's program requires each CCR unit to achieve compliance with the Federal CCR regulations or "at least as protective" requirements. Commenters maintain that EPA has abdicated its duties by ignoring the eight CCR permits North Dakota has already issued. Commenters state that EPA should not issue a final approval of North Dakota's CCR permit program without considering the State's permitting practices, and that to do so would violate RCRA and the Administrative Procedure Act.

Commenters state that EPA's proposal is an unconvincing attempt to justify its failure to consider North Dakota's permits. Commenters argue that EPA first tries to supplant the plain language standard in RCRA with one of its own creation. Commenters state that EPA is wrong in claiming that RCRA directs EPA to determine that the State has sufficient authority to require compliance at all CCR units located within the State. Commenters instead maintain that RCRA requires EPA to determine whether a State actually requires each CCR unit to achieve compliance, not just whether the State has the authority to do so. The commenter quotes RCRA section 4005(d)(1)(B) and states the language could not be clearer. Commenters argue that it does not matter if a State agency has the authority to issue compliant permits if the State does not actually require such compliance. Comments assert EPA's interpretation improperly adds "has sufficient authority to" into this plain language and that the Agency's interpretation is far from the single, best meaning of the statute. Commenters also believe that EPA's interpretation is a stark departure from the interpretation in the Alabama determination that did consider State issued permits.

Commenters believe EPA's requirement that North Dakota review and reissue the State permits to ensure compliance with the Federally approved program, after EPA issues its final determination of adequacy, is not an adequate justification for the new interpretation. Commenters assert that RCRA section 4005(d) requires EPA to evaluate a State program as it exists at

the time of application and specifically evaluate what the State program requires units in the State to do in the present tense and that the statute does not provide EPA with the discretion to approve a program based on its presumption that the State will issue proper permits in the future.

Commenters argue that EPA's reliance on North Dakota's commitment to future compliance is senseless because, according to the commenters, the previously issued permits provide all the evidence that is necessary.

Commenters discuss that because the eight CCR permits NDDEQ issued in 2022 and 2023 are based on nearly identical regulations to the ones EPA proposes to approve, those permits are the best and most direct evidence of whether North Dakota's program requires each unit within the State to achieve compliance with standards at least as protective as the Federal CCR Rules. They argue that EPA offers no reason to believe that NDDEQ would interpret unchanged regulations differently in the future than it did in 2022 or 2023. As EPA itself has acknowledged, "issued permits . . . are the best evidence of whether a State program does in fact require each CCR unit in the State to achieve compliance with the Federal CCR regulations or State standards that are at least as protective." Thus, commenters state that EPA's decision to ignore North Dakota's permits violates the WIIN Act and is arbitrary and capricious.

Commenters assert that EPA's decision to not review North Dakota's permits is especially arbitrary and capricious. According to the commenters, the Agency did review some of those permits and the Agency knows that North Dakota's CCR permits are not sufficient to assure compliance even though the State regulations mirror the standards found in the Federal CCR regulations. Commenters also maintain that EPA conducted a screening review of the North Dakota CCR permits for units at Stanton, Heskett, and Coyote stations and raised concerns with groundwater monitoring networks, statistical analyses, and corrective action. Commenters also quote a letter from EPA to North Dakota from 2024 that states that as of that time, North Dakota had not fixed the issues EPA identified or assured the Agency that the State would interpret the regulations in the same manner as EPA.

Commenters maintain that the record for this action is full of evidence that North Dakota's permits fail to require each CCR unit to achieve compliance with Federal requirements or equally protective State requirements.

Commenters state that they have also closely reviewed permitting materials for CCR units at Coal Creek, Heskett, and Leland Olds stations and identified additional evidence of noncompliance.

Comment response: EPA acknowledges and generally agrees with the statutory and regulatory background provided in the comments. EPA does not agree with the comment that RCRA compels a review of permits as part of a State CCR permit program review process, where, as here, approval of a State CCR permit program does not include approval of existing State issued CCR permits. The Agency recognizes this is different from EPA's consideration of permits in the denial of approval of Alabama's CCR permit program. In that case, EPA considered the permits as part of EPA's action, because in effect the State made clear that it intended for its existing permits to become effective under the Federally approved program. See 89 FR 48776. By contrast, EPA is excluding North Dakota's previously issued permits from the approval action, because the State indicated to EPA that it intends to revisit the permits after program approval. EPA's consideration of permits in each action is therefore consistent with both States' expressed intentions. To adopt a rigid rule that existing State permits must be required in every case without considering the scope of the State's submitted program would limit the Agency's discretion accorded to it by RCRA to define the scope of an acceptable CCR permit program and it would constrain EPA's ability to deploy its limited resources. Finally, after approval but before permit reissue, CCR units in the State will be subject to direct application of the Federal CCR regulations until the State takes comment on and issues the permits under the approved State CCR permit program.

Nor does excluding review of the State permits in this action mean that they are forever unreviewable. Instead of relying on a pre-approval review of permits, the Agency will have an opportunity to comment on State CCR permits as they are proposed after EPA has approved the State CCR permit program. The public can also comment on all of the proposed permits and, if either EPA or the public believe the permits are not at least as protective as the regulations require, those permits can be challenged both administratively and in court. Specifically, NDCC section 23.1–08–23 allows citizen intervention specific to CCR or any permit condition, rule, order, limitation, or other requirement implementing the chapter relating to CCR. Furthermore, RCRA

contains both mandatory and discretionary review authority and EPA will have opportunities to review State CCR permits issued after the State has developed some expertise in issuing and overseeing CCR permits. EPA believes it is important for the State to have primary control of the permitting process and this is particularly true in the absence of a Federal CCR permit rule.

As an initial matter, the statute provides EPA with considerable discretion to define the scope of an approvable State CCR permit program. First, RCRA section 4005(d)(1)(A) directs States seeking approval of a permit program to submit to the Administrator,

in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under [S]tate law for regulation by the State of coal combustion residuals units that are located in the State . . . after approval by the Administrator, [such State program] will operate in lieu of regulation of coal combustion residuals units in the State

Next, RCRA section 4005(d)(1)(B) states that:

[n]ot later than 180 days after the date on which a State submits the evidence described in subparagraph (A), the Administrator, after public notice and an opportunity for public comment, shall approve, in whole or in part, a [State CCR] permit program . . . if the Administrator determines that the program or other system requires each coal combustion residuals unit located in the State to achieve compliance with—

(i) [the Federal CCR regulations]; or
(ii) such other State criteria that the Administrator, after consultation with the state, determines to be at least as protective as the criteria in clause (i) [*i.e.*, the Federal CCR regulations].

Taken together, RCRA sections 4005(d)(1)(A) and 4005(d)(1)(B) address both the substantive standard that EPA must use when deciding whether to approve a State CCR permit program application and the procedural steps that trigger EPA's duty to approve such a program. Substantively, the State program must either directly implement the Federal standards for CCR units or be "at least as protective" as those Federal standards. RCRA section 4005(d)(1)(B)(ii). Procedurally, the State must present "evidence of a [CCR] permit program" in "such form as the Administrator may establish." RCRA section 4005(d)(1)(A). This statutory language expressly affords EPA the discretion to define the contours of a complete State CCR permit program application. EPA's discretion is further reinforced by the fact that RCRA section 4005(d) does not contain an express textual directive requiring the review of

individual site-level permits. Lastly, when determining what to include in a State CCR permit program review, the Agency may also consider the allocation of limited resources and priorities as reviewing permits prior to approval is highly resource intensive. RCRA sections 4005(d)(1)(A) and (B) thus provide EPA with the authority to define the process and substance required for an approvable CCR permit program application, and nothing in the statute requires consideration of permits or implementation as part of the application where EPA is not proposing to make the permits part of the approved program.

EPA defined the State application process in August 2017 when the Agency published the Guidance Document for States seeking to develop and submit CCR permit programs for EPA approval. The Guidance Document states that EPA may approve a State's proposed CCR permit program only if the State's application "provide[s] evidence that the State program is at least as protective" as Federal CCR regulations. Such evidence includes, among other things, evidence that the State's program will ensure that each CCR unit in the State achieves compliance with Federal regulations or with another system that EPA has determined is at least as protective as those regulations. The guidance further states that EPA will deem a State's application to be complete only once the application contains enough information for EPA to determine whether the proposed State program satisfies RCRA section 4005(d)(1)(B), *i.e.*, whether the proposed State program is at least as protective as Federal regulations. The Guidance Document further explained that the 180-day period for EPA action under the WIIN Act will begin to run after EPA has determined that the State's application is complete.

Notably absent from the Guidance Document is any requirement that States submit permit information. In the case of the Alabama denial, the Agency had concerns about Alabama's State-issued permits, that the State at that time was not receptive to the Agency's input, and Alabama asked that EPA proceed nevertheless. See 89 FR 48776. As discussed throughout the Alabama proposed and final actions, the Agency was concerned that approval of that State's CCR permit program would also mean approval of, and permit shields for, the State CCR permits that the Agency believed to be flawed. EPA concluded this was an unreasonable result in light of the language in RCRA section 4005(d)(1)(B) and the Agency

therefore determined that under those circumstances, the statute required it to review the State-issued permits as part of the approval process.

As discussed above, the statute provides the Agency with discretion to define the approach for State CCR permit program reviews, and, further, that there are practical resource implications that support the approach we are taking in this action. In addition, RCRA provides other mechanisms to ensure that State CCR permits are at least as protective as the Federal CCR regulations without requiring review of State CCR permits during the program approval process. First, States are issuing CCR permits for the first time and, while states have experience issuing RCRA permits for municipal solid waste landfills, the CCR regulations are relatively recent and it often takes regulators time to properly implement a new program. Notably, the State CCR program review provisions in RCRA section 4005(d)(1)(D) do not require EPA to conduct a review of a State program until 12 years after approval of the program, absent a release from a CCR unit in the State or an update in the Federal CCR regulations requiring revision to the State's CCR permit program. The statutory terms appear to recognize that a review soon after approval is neither productive nor necessary absent some triggering event or evidence that a State is not implementing its program properly after approval. Further, EPA believes it is unfair to subject a State that was proactive and issued CCR permits before its CCR permit program was approved to additional scrutiny where the State does not expect those permits to be part of the approved program. All the more so, given that the statute provides the latitude to exclude previously issued State CCR permits from the review of the program and to require the State to reissue those permits after the program is approved. CCR units in the State will be subject to direct application of the Federal CCR regulations until the State takes comment on and issues the permits under the approved program. North Dakota confirmed its understanding of an agreement with the scope of review in a March 10, 2025, letter stating in part that the State permits will be reopened, reviewed, and "amended as appropriate to ensure compliance with the Federally approved CCR program" and in an April 11, 2025, letter wherein the State committed to "reviewing all existing CCR permits . . . to ensure compliance with the Federally approved CCR program

. . . ." Furthermore, NDDEQ was in discussions with EPA over the months prior to issuance of the proposal and the Agency explained its potential concerns with respect to certain groundwater monitoring and corrective action requirements in the State's permits. The State acknowledged EPA's concerns and any issues with North Dakota's CCR permits can be addressed during the post approval issuance of the CCR permits.

Post approval, North Dakota will have the authority to issue permits that are as protective as the Federal standards, and EPA has every confidence in North Dakota to issue such permits. That said, the approved program requires permits to be proposed for comment and both EPA and citizens can comment on the permits if there are concerns that aspects of the permits are not sufficient. North Dakota will be required to respond to such comments and if concerns remain after permit issuance the permits can be challenged administratively and in court. This approach EPA is taking in this action provides the State sufficient time to develop the necessary expertise in issuing CCR permits while at the same time providing sufficient oversight authority and opportunity to check the State's proposed permits before a permit shield attaches. This approach also places all States in the same position vis-à-vis program approval and does not punish the States that acted proactively to develop and implement CCR programs in their States.

The second practical consideration that supports this program review approach is the fact that the statute requires State programs to be approved within 180 days of EPA determining that an application is complete. In light of discretion accorded to the Agency by the statute and the fact that in this case the State does not seek to have its existing State permits included in the approved State CCR permit program, EPA declines to adopt a position that would require it to consider implementation issues in every instance.

In the Guidance Document, EPA listed the elements required in a complete application. The Guidance Document does not discuss that an application must include information on implementation (e.g., draft or final permits). Where EPA reviews a State CCR permit program application without permits or other implementation related information, EPA is able to complete that process within 180 days, but the process is still quite involved. First, EPA must draft a proposed response to the State's

application and publishes a notice of its proposed determination in the **Federal Register**, a step that generally takes 60 to 90 days. Next, EPA provides a comment period of 60 days for the public to comment on the State application and EPA's proposed approval, approval of a partial program, or disapproval. The public notice and comment requirement is statutory. See RCRA section 4005. U.S.C. 6945(d)(1)(B). After the comment period, and before taking final action, EPA must respond to any public comments and prepare for publication a final decision document, which takes at least another 90 days.

In practice, EPA approved the CCR permit programs for Georgia, Oklahoma and Texas within the 180 day statutory period. Conversely, Alabama notified EPA on February 17, 2023, that it would not supplement its permit application and that EPA should proceed to review the application as submitted, and the Agency did not take final action on the denial until June 7, 2024, or 476 days later. Even then, EPA would not have been able to complete the review within that time without dedicating additional staff to the review. Reviewing the Alabama program required more staff time than EPA's review of the previous State programs because, first, reviewing CCR permits is a highly technical and fact specific evaluation and, second, the review of the permits led to a larger number of comments on the Alabama proposal. EPA's experience with the Alabama review shows that reviewing permits and other implementation related information placed a heavy burden on EPA's limited resources.

EPA simply does not have the resources to conduct a review like that described in Alabama for every State seeking approval of a CCR permit program if the Agency wants to be able to approve the State programs currently in development in even close to a timely manner. RCRA section 4005(d)(1) promotes cooperative Federalism and envisions States taking a lead role in the regulation of CCR units, and taking on that role as quickly as possible. EPA taking over a year to approve every State would extend EPA's actions approving State programs late into the decade if not into next decade, thereby frustrating the outcome Congress intended. These practical considerations support EPA's decision to exercise the discretion provided in the statute.

EPA's approach in this approval action is fully consistent with the review provisions of RCRA section 4005(d)(1)(D) and RCRA generally. Specifically, in addition to EPA's general authority to comment on

proposed permits and challenge final State CCR permits after approval of a State CCR permit program, the statute also places an affirmative duty on EPA to periodically review State CCR permit programs and provides the Agency authority to review the programs in its discretion if the Agency believes a State is not ensuring each CCR unit is subject to requirements at least as protective as the Federal CCR rule. Specifically, RCRA section 4005(d)(1)(D)(i) requires EPA to review State CCR permit programs: from time to time, as necessary, but not less frequently than once every 12 years; not later than three years after EPA revises the CCR regulations; not later than one year after the date of an unauthorized significant release (as defined by the EPA) from a CCR unit; and, on request of any State that asserts that it is or is likely to be adversely affected by a release or potential release from a CCR unit located in another State. Thus, EPA can conduct a review at any time it determines that a State is not implementing a sufficiently protective program and the Agency must evaluate if there is a significant release in a State or a State demonstrates a problem from a CCR unit in another State. These review provisions provide EPA with sufficient authority to ensure permits issued after approval of a State CCR permit program are as protective as required.

Further, if EPA concludes after review that a State program is deficient, it must notify the State and the Agency must withdraw the State program if it is determined that the State did not adequately address the identified deficiencies. See RCRA sections 4005(d)(1)(D)(ii) (setting forth the bases for withdrawal of a CCR permit program) and 4005(d)(1)(E) (addressing withdrawal and reinstatement of a State CCR permit program). Notably, the bases for withdrawal all relate to a State's failure to ensure CCR units are subject to and/or complying with requirements as least as protective as the Federal CCR regulations. Specifically, the Agency is required to provide a notice of deficiency to a State if the Agency determines: the State program needs to be revised or corrected to ensure that the permit program continues to ensure that each CCR unit in the State is subject to at least the minimum level of protections set forth in RCRA section 4005(d)(1)(B); the State program does not require each CCR unit in the State to meet the minimum level of protections set forth in RCRA section 4005(d)(1)(B); the State approves or fails to revoke a permit for a CCR unit that

has a release that adversely affects or is likely to adversely affect the soil, groundwater, or surface water of another State. See RCRA section 4005(d)(1)(D)(ii). Thus, the review and withdrawal provisions in the statute provide EPA with the discretion to review implementation and enforcement of a State CCR permit program at any time it believes there is a problem, and the statute requires EPA to act to protect human health and the environment when it is demonstrated that a CCR unit has an unauthorized release. Further, EPA's approach in this matter is consistent with the oversight mechanism in RCRA section 4005(d) because it will allow States the opportunity to fix problems when reissuing permits without requiring EPA to take on the resource burden of issuing CCR permits.

For all these reasons, EPA is taking final action on the proposed approach to program review.

IV. Approval of the North Dakota CCR Permit Program

The partial North Dakota CCR permit program, as described in its Application and Units II and III, is approved. Because this is a partial program approval, only the State requirements that have been approved will operate in lieu of the analogous Federal requirements. Accordingly, owners and operators of CCR units in North Dakota will remain responsible for compliance with all applicable requirements in 40 CFR part 257 for which North Dakota did not seek approval that are listed in Unit III.B. EPA will implement these provisions under the Federal CCR program, until and unless North Dakota submits a revised CCR permit program application and receives approval for these provisions. A permit issued by a State is not a shield for noncompliance with these 40 CFR part 257 provisions. For all CCR units in the State, the Federal regulations at 40 CFR part 257 will remain in effect until such time that NDDEQ permits those units under its approved CCR permit program after providing an opportunity to comment on the entire permit consistent with the process required for new permits.

RCRA section 4005(d)(1)(D) specifies that EPA will review a State CCR permit program:

- From time to time, as the Administrator determines necessary, but not less frequently than once every 12 years;
- Not later than three years after the date on which the Administrator revises the applicable criteria for CCR units under part 257 of title 40, CFR (or successor regulations promulgated

pursuant to RCRA sections 1008(a)(3) and 4004(a));

- Not later than one year after the date of a significant release (as defined by the Administrator), that was not authorized at the time the release occurred, from a CCR unit located in the State; and

- In request of any other State that asserts that the soil, groundwater, or surface water of the State is or is likely to be adversely affected by a release or potential release from a CCR unit located in the State for which the program was approved.

RCRA section 4005(d)(4)(B) also provides that in a State with an approved CCR permitting program, the Administrator may commence an administrative or judicial enforcement action under RCRA section 3008 if:

- The State requests that the Administrator provide assistance in the performance of an enforcement action; or
- After consideration of any other administrative or judicial enforcement action involving the CCR unit, the Administrator determines that an enforcement action is likely to be necessary to ensure that the CCR unit is operating in accordance with the criteria established under the State's permit program.

V. Final Action

In accordance with 42 U.S.C. 6945(d), EPA is approving the North Dakota partial CCR permit program.

Lee Zeldin,

Administrator.

[FR Doc. 2025–19923 Filed 11–14–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–OPA–2006–0090; FRL–4526.2–01–OLEM]

RIN 2050–AH43

National Oil and Hazardous Substances Pollution Contingency Plan; Extension of Transition Period for New Product Schedule Listing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule; request for comment.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is taking interim final action to revise the transition date in recent amendments to the requirements in Subpart J of the

National Oil and Hazardous Substances Pollution Contingency Plan (NCP) that governs the use of dispersants, other chemicals, and other spill mitigating substances when responding to oil discharges into jurisdictional waters of the United States. Specifically, the EPA is revising the date until which products listed on the current NCP Product Schedule will remain conditionally listed and available for use from December 12, 2025, to June 10, 2026, for certain agent categories for which there are no new products listed as of December 12, 2025, in accordance with recently amended testing and listing criteria. This rule will become effective immediately while the Agency seeks comments on this targeted revision to the new NCP Product Schedule transition date. EPA will respond and update this interim final action as appropriate.

DATES: This rule is effective on November 17, 2025. Comments must be received on or before December 17, 2025.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-HQ-OPA-2006-0090, by any of the following methods:

- *Federal eRulemaking portal:* <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket EPA-HQ-OPA-2006-0090, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand delivery or courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m. to 4:30 p.m., Monday through Friday (except Federal holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Michael Beuthe, Office of Land and Emergency Management, Mail Code

5104A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: 202-566-1499; email: beuthe.michael@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

In 2015, EPA proposed amendments to 40 CFR 300.900 through 300.970: NCP Subpart J that sought to: (1) establish new monitoring requirements for certain atypical dispersant use situations; (2) revise the data and information requirements for chemical and biological agent products to be listed on the NCP Subpart J Product Schedule; and (3) revise the authorization of use of procedures for chemical and biological agents in response to an oil discharge to Clean Water Act (CWA) section 311 jurisdictional waters and adjoining shorelines. (80 FR 3380, January 22, 2015). In January 2020, environmental groups filed suit seeking to compel EPA to take final action on the 2015 proposed rulemaking. On July 6, 2021, EPA promulgated a final rule addressing one component of these revisions: monitoring requirements for dispersant use in atypical situations. (86 FR 40234, July 27, 2021). EPA did not issue a final rule on the other two components of the 2015 proposed rulemaking.

On August 9, 2021, the court ordered EPA to take final action on the remaining listing and authorization of use provisions by May 31, 2023. *Earth Island Inst. v. Regan*, 553 F. Supp. 3d 737, 746 (N.D. Cal. 2021). On May 31, 2023, EPA promulgated a final rule on the remaining provisions. (88 FR 38280, June 12, 2023).

The 2023 final rule amended Subpart J of the NCP by adding new listing criteria, revising the efficacy and toxicity testing protocols, and clarifying the evaluation criteria for removing products from the NCP Product Schedule, as well as amending requirements for the authorities, notifications, and data reporting when using chemical or biological agents. The final requirements specifically emphasized the development of safer and more effective spill mitigating products. The final amendments also underscored the need to better target the use of these products to reduce the potential risks presented to human health and the environment by not only the oil discharges, but also by the response technologies. Furthermore, the 2023 rule addressed recommendations from the National Commission on BP Deepwater Horizon Oil Spill and

Offshore Drilling Report¹ and EPA Inspector General Report.² These recommendations include that EPA review and update product testing protocols. The 2023 final rule provided a process to transition listed products on the NCP Product Schedule based on the 1994 regulatory requirements to the new NCP Product Schedule, as well as for listing sorbent products on the new Sorbent Product List. A 24-month transition period was established to provide time to prepare and submit new product packages according to amended testing and listing requirements and for EPA to review and make listing determinations. The transition period was to also allow for the continued availability of previously listed products for planning and response activities.

This action revises the transition date—the date until which certain products listed on the NCP Product Schedule as of December 11, 2023, will remain conditionally listed and available for use—from December 12, 2025, to June 10, 2026 provided that no products are listed on the new Product Schedule as of December 12, 2025, specifically for those agent categories for which no products have been added to the NCP Product Schedule under the revised regulation. At the time of this rule publication, those categories consist of Surface Washing Agents, Herding Agents, and Solidifiers. This rule will become effective immediately to ensure responders retain continued access to these response-critical agent categories while EPA concurrently seeks comments on this targeted revision to the new NCP Product Schedule transition date for the specific product categories. EPA will respond and update this interim final action as appropriate.

A. Potentially Affected Entities

A list of NAICS codes at the three-digit level that could be affected by the amended transition date established in this action is provided in Table 1.

TABLE 1—SECTORS POTENTIALLY AFFECTED BY THE INTERIM FINAL RULE

NAICS code	Industrial category
213	Support Activities for Mining.
322	Paper Manufacturing.
325	Chemical Manufacturing.
326	Plastics and Rubber Products Manufacturing.
423	Merchant Wholesalers, Durable Goods.

¹ <https://www.govinfo.gov/content/pkg/GPO-OILCOMMISSION/pdf/GPO-OILCOMMISSION.pdf>.

² <https://www.epa.gov/office-inspector-general/report-revisions-needed-national-contingency-plan-based-deepwater-horizon>.

TABLE 1—SECTORS POTENTIALLY AFFECTED BY THE INTERIM FINAL RULE—Continued

NAICS code	Industrial category
424	Merchant Wholesalers, Nondurable Goods.
454	Nonstore Retailers.
493	Warehousing and Storage.
541	Professional, Scientific, and Technical Services.
561	Administrative and Support Services.
562	Waste Management and Remediation Services.
811	Repair and Maintenance.

This table is not intended to be exhaustive but rather provides a guide for readers regarding affected entities potentially regulated by this action. This table includes the types of entities that EPA is aware could potentially be regulated by this action. Other types of entities not included in the table could also be regulated. 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. Action the Agency is Taking

EPA is extending by 180 days the transition date until which Surface Washing Agent products, Solidifier products, and Herding Agent products listed in the current NCP Product Schedule will remain conditionally listed and available for use, from December 12, 2025, to June 10, 2026. The transition date extension is specifically targeted to only those agent categories for which no products have been added to the Product Schedule under the revised regulation as of December 12, 2025, in accordance with testing and listing criteria as amended in 2023. This rule will become effective immediately while the EPA seeks comments on this targeted revision of the transition date to the new NCP Product Schedule. The Agency will respond and update this interim final action as appropriate.

C. Statutory Authority

Under sections 311(d) and (j) of the Clean Water Act (CWA), as amended by section 4201 of the Oil Pollution Act of 1990 (OPA), Public Law 101–380, the President is directed to prepare and publish the NCP for removal of oil and hazardous substances. Specifically, section 311(d)(2)(G) directs the President to include a schedule identifying “(i) dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may

be used in carrying out the Plan, (ii) the waters in which such dispersants, other chemicals, and other spill mitigating devices and substances may be used, and (iii) the quantities of such dispersant, other chemicals, or other spill mitigating device or substance which can be used safely in such waters” as part of the NCP. The Agency has promulgated the NCP, see 40 CFR 300.1 *et seq.*, including the schedule of dispersants, other chemicals, and other oil spill mitigating devices and substances (see 40 CFR 300.900 *et seq.*) as directed by section 311(d)(2)(G) of the CWA. The President is further authorized to revise or otherwise amend the NCP from time to time, as the President deems advisable. 33 U.S.C. 1321(d)(3). The authority of the President to implement section 311(d)(2)(G) of the CWA is delegated to EPA in Executive Order 12777, as amended (56 FR 54757, October 22, 1991). Subpart J of the NCP establishes the framework for the use of dispersants and any other chemical agents in response to oil discharges (40 CFR part 300 series 900). The statutory schedule provided for in CWA section 311(d)(2)(G) includes the NCP Product Schedule, the Sorbent Product List, and the Subpart J authorization of use procedures that, when taken together, identify the waters and quantities in which such dispersants, other chemicals, or other spill mitigating devices and substances may be used safely.

D. Costs and Benefits

EPA has determined that this interim final rule provides benefits by reducing burden through extending the transition date to allow product submissions of certain agent categories and by addressing potential challenges to oil spill responses due to unavailability where the use of such agents may be advantageous to protect human health and the environment.

II. Background

A. General Background

In the United States and around the world, chemical and biological agents are among the oil spill mitigation technologies available that responders may consider. The use of chemical and biological agents are governed by Subpart J of the NCP regulation found at existing 40 CFR 300.900 *et seq.* Subpart J of the NCP sets forth the regulatory requirements for the use of chemical and biological agents when responding to oil discharges to CWA jurisdictional waters. Subpart J of the NCP includes in which includes

separate provisions for product testing and listing on the NCP Product Schedule and Sorbent Product List, and for authorization of use procedures. These requirements provide the structure for the On-Scene Coordinator (OSC) to determine in each case the waters and quantities in which dispersants or other chemical agents may be safely used in such waters, if any. This determination is based on all relevant circumstances, testing and monitoring data and information, and is to be made in accordance with the authorization of use procedures, including the appropriate concurrences and consultations, found within the regulation. When taken together, the Subpart J regulatory requirements address the types of waters and the quantities of listed agents that may be authorized for use in response to oil discharges.

B. Product Schedule Transition

The regulatory amendments published on June 12, 2023 (88 FR 38280) provide a process to transition products listed on NCP Product Schedule under the 1994 regulatory requirements to the new NCP Product Schedule, as well as for listing sorbent products on the new Sorbent Product List. The 2023 final rule became effective on December 11, 2023. From December 11, 2023, Subpart J product manufacturers had two years to retest their product and resubmit an application for listing as provided in the NCP Subpart J. The transition period allows for the continued availability of previously listed products to be accessible for planning and response activities until the transition is finalized.

Section 300.955(f) of the 2023 final rule provides that all products listed on the NCP Product Schedule as of December 11, 2023, will remain conditionally listed until December 12, 2025, at which time all products that have not been submitted and listed on the NCP Product Schedule based on the amended testing and listing criteria will be removed. Under the 2023 rule, products will be transitioned from the current NCP Product Schedule to the new NCP Product Schedule prior to December 12, 2025, provided a new complete package is submitted in accordance with 40 CFR 300.955(b), and EPA makes a determination to list the product on the new NCP Product Schedule. Products listed on the NCP Product Schedule prior to December 11, 2023, for which a new submission is not received or that do not meet the revised listing criteria, will not be transitioned to the new NCP Subpart J Product

Schedule at the end of the 24-month transition period.

Parallel to the transition for the NCP Product Schedule, the 2023 rule provides that all products previously identified as sorbents that received written certifications confirming their status as a sorbent from EPA will remain available for use during a response until December 12, 2025. EPA no longer issues written certifications for sorbent products as of December 12, 2023. A generic list of sorbents, as well as sorbents meeting the 2023 Subpart J sorbent listing requirements, will be listed on a new publicly available Sorbent Product List.

B. Implementation Issues

There are 130 conditionally listed products listed on the NCP Product Schedule until December 12, 2025, at which time, under the 2023 rule, all products that have not been submitted and listed in the new NCP Product Schedule based on the amended test and listing criteria are to be removed. To date, in addition to the new regulatory listings for generic nutrients under the bioremediation agent category,³ there are three unique formulations for dispersant products listed on the new NCP Product Schedule. Similarly, in addition to the new regulatory listings for generic sorbent materials,⁴ nine commercial sorbent products have been listed on the new Sorbent Product List in accordance with 40 CFR 300.915(g)(2). There were over 200 sorbents that received sorbent letters under the 1994 rule.

Concerns have been raised by industry and Federal response stakeholders that EPA has not listed any products in the following categories: Surface Washing agents, Herding agents, and Solidifiers. Therefore, absent an extension for those categories, emergency responders would not have certain spill clean-up and/or spill mitigating products available for preauthorization or case-by-case authorization to address oil discharges or threats of discharges after the transition date. The use of oil spill mitigating substances that fall within these agent categories can play a critical role in responding to oil discharges to CWA jurisdictional waters and can help mitigate the impacts of such discharges on the environment. For example, surface washing agents may be used to separate oil from solid surfaces (e.g., the hull of an oil response vessel, rocky beaches) so that the oil can be collected and disposed, thus mitigating the

impact of an oil discharge on the environment. Considering numerous response assets (e.g., oil response vessels, oil containment booms, mechanical recovery devices) may be deployed to mitigate an oil discharge, the use of surface washing agents may play a significant role in decontaminating oiled assets used during a response in a controlled manner, thereby minimizing the impact of the discharged oil. Likewise, the availability of herding agents that may be used to control the spreading of oil to allow for oil removal, and of solidifiers that may be used to prevent oil from dissolving into the water column, may also assist in mitigating potential impacts resulting from an oil discharge.

It is important to note that, while Subpart J of the NCP establishes the requirements for product submissions to be considered for listing on the NCP Product Schedule, there is no obligation for product manufacturers or their representatives to make submissions for listing. Additionally, Subpart J does not prohibit submitters from, at any time, requesting their products be removed from the NCP Product Schedule or Sorbent Product List.

Since the new requirements were finalized in 2023, EPA has sent four reminders to known Subpart J product manufacturers to notify them of the new requirements and the Product Transition details. To date, there have been several products submitted to EPA for review, including dispersants and sorbents. Additionally, the Agency has received several dozen technical assistance requests for both transitioning products and for new products, including for at least one product in each product category. Taken together, these requests represent the potential for additional unique product formulations submissions for listing on the new NCP Product Schedule. Therefore, the Agency believes this transition date extension provides the potential for at least one product in each category to be available at the time the extended transition ends.

III. Regulatory Revisions

This interim final action provides a 180-day extension of the deadline for transitioning listed products under certain specified categories to the new NCP Product Schedule—provided that no products are listed in these categories as of December 12, 2025. The 180-day extension is targeted to only those agent categories for which no products have been listed in accordance with the 2023 final rule amended

requirements: Surface Washing agents, Herding agents, and Solidifiers.

This action specifically amends the requirements under Subpart J of the NCP at 40 CFR 300.955(f)—*Transitioning Listed Products to the New NCP Product Schedule or Sorbent Product List*—to include a 180-day extension for products in the Surface Washing, Herding, and Solidifier agent categories that were listed under the prior regulations to remain conditionally listed until June 10, 2026 provided that no products are listed in these agent categories on the new NCP Product Schedule as of December 12, 2025. On June 10, 2026, all products that have not been submitted and listed in the new NCP Product Schedule based on the amended test and listing criteria will be removed. Surface Washing, Herding, and Solidifier agent products will be transitioned from the current NCP Product Schedule to the new NCP Product Schedule prior to June 10, 2026, after new complete packages are submitted in accordance with 40 CFR 300.955(b), and EPA makes a determination to list the product on the new NCP Product Schedule. The conditionally listed products would remain available to responders through the extended transition period. Products in the Surface Washing, Herding, and Solidifier agent categories that are not transitioned to the new NCP Product Schedule prior to the June 10, 2026 transition deadline, may still be considered for listing on the new NCP Product Schedule after new complete packages are submitted in accordance with 40 CFR 300.955(b), and EPA makes a determination to list the product on the new NCP Product Schedule.

The 180-day extension allows for the 90-day timeline established in the regulation for EPA to review, make a listing determination, and provide written notification to the submitter. In addition to this 90-day listing timeline, it also allows for the 30-day window established in the regulation for submitters to request that EPA review listing denials, and for the subsequent 60-day window for the Agency to provide written notification of its final review determination (see 40 CFR 300.955(c) and (d)). The Agency will continue to provide technical assistance on completing submission packages for new NCP Product Schedule listings during this extended transition period.

This targeted and short-term transition date extension reduces the possibility of oil spill response challenges due to unavailability of certain agent categories where the use of such agents may be advantageous to protect human health and the

³ 40 CFR 300.915(d)(4).

⁴ 40 CFR 300.915(g)(1).

environment. Nonetheless, it also clearly signals the Agency's intent to transition to the new NCP Product Schedule only products that meet the more stringent testing requirements of the 2023 revisions, with the goal of ensuring that only safer and more effective spill mitigating products continue to be available for responders to consider as potential oil spill response tools.

Products in both the Dispersant and Bioremediation agent categories, either as proprietary formulations as is the case for dispersants, or as generic listings as is the case for Bioremediation agents, have already been approved for transition or inclusion on the new Product Schedule. Thus, the transition date for all products under the Dispersant and Bioremediation agent categories to be transitioned to the new NCP Product Schedule will remain the same: December 12, 2025. All Dispersant and Bioremediation agent products that have submitted packages in accordance with 40 CFR 300.955(b), and for which EPA makes a determination to list the product on the new NCP Product Schedule, will be transitioned to the new NCP Product Schedule. Likewise, the new Sorbent Product List currently includes products in accordance with the 2023 amended requirements, both as a proprietary formulation or as a generic listing. Thus, the transition date for all Sorbent products to be transitioned to the new Sorbent Product List will remain the same: December 12, 2025. All products previously identified as sorbents by EPA will remain available for use until December 12, 2025, at which time all sorbent products must have submitted information as applicable under 40 CFR 300.955(a) and (b) and be listed on the new Sorbent Product List.

Finally, the 2023 final rule removed the category and definition for Miscellaneous Oil Spill Control Agent (MOSCA) from the NCP, as it was used as a catchall for all types of products that did not meet other agent definitions. The Agency continues to believe that removing the MOSCA category and definition does not necessitate the automatic reassignment of these products under the definition of another chemical or biological agent, or substance. Thus, this action does not extend the transition deadline to products conditionally listed under the MOSCA category. Products listed under this category will not be transitioned to the new NCP Product Schedule and will no longer be listed after the December 12, 2023, transition deadline unless the MOSCA is tested and qualifies for

listing under a product category contained in the 2023 rule.

IV. Rulemaking Procedures

EPA's authority for the rulemaking procedures followed in this action is provided by the Administrative Procedure Act, 5 U.S.C. 553(b)(B). This provision authorizes agencies to forego prior notice and comment "when the agency for good cause finds (and incorporates the finding and a brief statement of reasons, therefore, in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."

The EPA finds good cause to issue this interim final rule without prior notice and comment because such procedures are impracticable. Specifically, there is insufficient time before the December 12, 2025 transition deadline for EPA to ensure that certain NCP Product Schedule categories will be accessible for planning and response activities beyond the current transition period. This is because EPA did not receive revised product packages to evaluate and list in certain categories (*i.e.*, Surface Washing, Herding, and Solidifier agent categories). The Agency engaged in multiple targeted outreach efforts to known Subpart J manufacturers to notify them of the new requirements and Product Schedule details since the 2023 final rule was published and responded to technical assistance requests in order to facilitate product listing efforts. Additionally, EPA met with the oil spill response community, including private and public stakeholders, to update them on the status of the Subpart J transition period and to make them aware of the amended requirements for listing products on the NCP Product Schedule. Given this, and the number of technical assistance requests received during the initial transition period, the Agency did not expect that by the end of the transition period it would face the listing issues now encountered. The Agency did not take earlier action to extend the transition date, as it was expecting there would be sufficient listed products under all product categories available for use in a response. Nonetheless, the transition date extension is targeted to those listed products under the Surface Washing agents, Herding agents, and Solidifiers categories, as these categories are the ones that currently do not have products listed on the new NCP Product Schedule in accordance with the 2023 amended requirements. The use of oil spill mitigating substances that fall within these agent categories can play a

critical role in responding to oil discharges to CWA jurisdictional waters and can help mitigate the impacts of such discharges on the environment. For example, surface washing agents may be used to separate oil from solid surfaces (*e.g.*, the hull of an oil response vessel, rocky beaches) so that the oil can be collected and disposed, thus mitigating the impact of an oil discharge on the environment. Considering numerous response assets (*e.g.*, oil response vessels, oil containment booms, mechanical recovery devices) may be deployed to mitigate an oil discharge, the use of surface washing agents may play a significant role in decontaminating oiled assets used during a response in a controlled manner, thereby minimizing the impact of the discharged oil. Likewise, the availability of herding agents that may be used to control the spreading of oil to allow for oil removal, and of solidifiers that may be used to prevent oil from dissolving into the water column, may also assist in mitigating potential impacts resulting from an oil discharge.

As stated in section III of this preamble, EPA chose to extend the transition date by 180 days to ensure EPA has 90 days to review product submission for these product categories and, as applicable, an additional 90 days for product submitters to request a review of a decision (see 40 CFR 300.955(c) and (d)).

For the reasons discussed earlier in this preamble, this interim final rule is effective immediately upon publication. APA section 553(d) provides that final rules may become effective upon publication in the **Federal Register** if the rule "relieves a restriction," is an interpretive rule or statement of policy, or if the agency otherwise finds "good cause" for doing so. 5 U.S.C. 553(d)(1)–(3). The purpose of this provision is "to give affected parties a reasonable time to adjust their behavior before the final rule takes effect." *Omnipoint Corp. v. FCC*, 78 F.3d 620, 630 (D.C. Cir. 1996). In determining whether good cause exists to waive the 30-day delay, an agency should "balance the necessity for immediate implementation against principles of fundamental fairness which require all affected persons be afforded a reasonable amount of time to prepare for the effective date of its ruling." *Id.* The EPA has determined that there is good cause for making final rule effective immediately under section 553(d) because it provides relief to product manufacturers in certain product categories to submit a product listing package in time to be listed on the new NCP Product Schedule by

extending the transition period date. For the same reasons, the rule also “relieves a restriction” under section 553(d)(1).

V. Request for Comment

As explained in section IV of this preamble, the EPA finds good cause to take this interim final action without prior notice or opportunity for public comment. Nevertheless, the EPA is providing an opportunity for comment on the amendments to the transition period in this interim final rule. However, the EPA is not reopening or reconsidering as part of this rule any provisions of the 2023 final NCP Subpart J rule amendments other than the specific provisions that are expressly amended in this interim final rule. The EPA will review and respond to any comments received, including by making changes to this action, if appropriate.

VI. Statutory and Executive Orders

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 not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is considered an Executive Order 14192 deregulatory action. This interim final rule provides burden reduction by extending the transition period date to allow product submissions of certain agent categories and address potential challenges to oil spill responses due to unavailability where the use of such agents may be advantageous to protect human health and the environment. Details on the estimated cost savings of this final rule can be found in EPA’s Regulatory Economic Assessment in the rulemaking docket for this action. The overall cost savings is estimated to be between \$1,017 and \$5,063 per year.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. The Office of Management and Budget (OMB) has previously approved the information collection activities that apply to the regulated entities affected by this action and has assigned OMB control number 2050–0141 (EPA number 1664.14). This action does not

change the information collection requirements.

D. Regulatory Flexibility Act (RFA)

The EPA concludes that this interim final rule will not have a significant economic impact on a substantial number of small entities because the rule has no net increase in burden on the small entities subject to the rule. The interim final action providing a 180-day extension of the date for transitioning listed products under certain specified categories to the new NCP Product Schedule provided that no products are listed in these agent categories on the new NCP Product Schedule as of December 12, 2025, will impose no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175. This action provides a 180-day extension for products in the Surface Washing, Herding, and Solidifier agent categories to remain conditionally listed on the NCP Product Schedule until June 10, 2026, provided that no products are listed in these agent categories on the new NCP Product Schedule as of December 12, 2025, and does not impose any new regulatory requirements. It does not have a substantial direct effect on one or more Indian Tribes, in that this action imposes no regulatory burdens on 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

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has

reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because the environmental health or safety risks addressed by this action do not 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 subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rule does not involve technical standards.

K. Congressional Review Act

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

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Oil pollution.

Lee Zeldin,
Administrator.

For the reasons set out in the preamble, title 40, chapter I, part 300, of the Code of Federal Regulations is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*; 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

■ 2. Amend § 300.955 by revising paragraph (f) to read as follows:

§ 300.955 Addition of a product to the NCP Product Schedule or Sorbent Product List.

* * * * *

(f) *Transitioning Listed Products to the New NCP Product Schedule or Sorbent Product List.*

(1) *Bioremediation and Dispersant Agents.* All dispersant and bioremediation agent products on the NCP Product Schedule as of December

11, 2023, will remain conditionally listed until December 12, 2025, at which time all dispersant and bioremediation agent products that have not been submitted and listed in the new NCP Product Schedule based on the amended test and listing criteria will be removed. Your dispersant or bioremediation product will be transitioned from the conditional NCP Product Schedule listing to the new NCP Product Schedule prior to December 12, 2025, after you submit a new complete package in accordance with § 300.955(b), and EPA makes a determination to list the product on the new NCP Product Schedule.

(2) *Surface Washing Agents, Herding Agents, and Solidifiers*. All surface washing, herding, and solidifier agent products on the NCP Product Schedule as of December 11, 2023, will remain conditionally listed until June 10, 2026—provided that no products are listed on the new NCP Product Schedule in these categories as of December 12, 2025. On June 10, 2026, all products that have not been submitted and listed in the new NCP Product Schedule based on the amended test and listing criteria will be removed. Your surface washing agent, herding agent, or solidifier product will be transitioned from the conditional NCP Product Schedule listing to the new NCP Product Schedule prior to June 10, 2026, after you submit a new complete package in accordance with § 300.955(b), and EPA makes a determination to list the product on the new NCP Product Schedule.

(3) *Sorbents*. All products previously identified as sorbents by EPA will remain available for use until December 12, 2025, at which time all sorbent products must have submitted information as applicable under § 300.955(a) and (b) and be listed in the new Sorbent Product List.

[FR Doc. 2025–19918 Filed 11–14–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 370

[EPA–HQ–OLEM–2025–0299; FRL–12698–04–OLEM]

RIN 2050–AH40

Technical Amendments to the EPCRA Hazardous Chemical Inventory Reporting Requirements To Conform to the 2024 OSHA Hazard Communication Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency is taking direct final action to conform the Emergency Planning and Community Right-to-Know Act hazardous chemical inventory reporting regulations to the Occupational Safety and Health Administration's Hazard Communication Standard amendments of 2012 and 2024. The Emergency Planning and Community Right-to-Know Act and its regulations rely on the Occupational Safety and Health Administration's Hazard Communication Standard for the definition of a *hazardous chemical* and for the categories of health and physical hazards that must be reported under the hazardous chemical inventory regulations. This action will conform the terminology used and information that must be reported on the hazardous chemical inventory forms to the Hazard Communication Standard amendments. As a result, this action will also improve first responder and community safety, reduce discrepancies and confusion, prevent interpretation burdens on facilities when using (Material) Safety Data Sheets to complete annual hazardous chemical inventory reports, and improve clarity.

DATES: This final rule is effective on January 16, 2026 without further notice, unless the EPA receives adverse comment by December 17, 2025. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule, or the relevant provisions of this rule, will not take effect. Compliance with these updates is required for the 2026 annual hazardous chemical inventory reporting year. Reports for calendar year 2026 are due on or before March 1, 2027.

Effective date: January 16, 2026.

Compliance date: December 1, 2026.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OLEM–2025–0299. All

documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Jennifer Barre, Regulation Implementation Division of the Office of Emergency Management (5104A), Environmental Protection Agency, 1200 Pennsylvania Ave NW, Washington, DC 20460; telephone number: (240) 644–4559; email address: barre.jennifer@epa.gov; websites: <https://www.epa.gov/epcra/emergency-planning-and-community-right-know-act-non-section-313-regulations-and-amendments>.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Why is EPA using a direct final rule?
- II. General Information
 - A. Summary of This Action
 - B. Who does this regulation apply to?
 - C. What does this regulation require from facilities?
 - D. Why is the Agency taking this action?
 - E. What is the Agency's authority for taking this action?
 - F. What are the incremental costs and benefits of this action?
- III. Revisions to 40 CFR Part 370
 - A. History of EPCRA Hazard Categories
 - B. Revisions to EPCRA Hazard Categories
 - C. Revisions to EPCRA Definitions
 - D. Other Revisions to 40 CFR Part 370
 - E. Summary of Revisions to 40 CFR Part 370
- IV. Statutory and Executive Orders Reviews
 - A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
 - B. Executive Order 14192: Unleashing Prosperity Through Deregulation
 - C. Paperwork Reduction Act (PRA)
 - D. Regulatory Flexibility Act (RFA)
 - E. Unfunded Mandates Reform Act (UMRA)
 - F. Executive Order 13132: Federalism
 - G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
 - H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
 - I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use
 - J. National Technology Transfer and Advancement Act (NTTAA)

K. Congressional Review Act (CRA)

I. Why is EPA using a direct final rule?

The Environmental Protection Agency (“EPA” or “Agency”) is publishing this rule without a prior proposed rule because the Agency views this as a noncontroversial action and anticipates no adverse comment because the Emergency Planning and Community Right-to-Know Act (EPCRA) statute [42 U.S.C. Chapter 116]¹ relies on the Occupational Safety and Health (OSH) Act of 1970 [29 U.S.C. Chapter 15]² and the Occupational Safety and Health Administration’s (OSHA’s) implementing regulations [29 CFR 1910.1200]³ for the definitions of hazardous chemical, physical hazard, and health hazard and the hazardous chemical reporting hazard categories. More specifically, section 311(e) of the EPCRA statute and its attendant regulation at 40 CFR 370.66⁴ define *hazardous chemical* as any hazardous chemical defined under 29 CFR 1910.1200(c). The EPCRA statute further requires that hazardous chemical inventory reporting be grouped into categories of health and physical hazards as set forth under the OSH Act and its implementing regulations [42 U.S.C. 11021(a)(2)(A)(1) and section 11022(a)(1)]. This action adopts the OSHA definitions and hazard categories as is required by the EPCRA statute and its regulations. EPA anticipates that this action will improve first responder and community safety; prevent interpretation burdens for facilities, states, local agencies, and fire departments; and improve clarity without increasing the regulatory burden under EPCRA. However, in the “Proposed Rules” section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposed rule to solicit comments on the amendments incorporated in this direct final rule if adverse comments are received on this direct final rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If EPA receives adverse comment, the Agency will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. EPA would address all public comments in any subsequent final rule based on the proposed rule. If the Agency receives adverse comment on a distinct provision of this rulemaking, we will publish a timely withdraw in the

Federal Register indicating which provisions we are withdrawing. The provisions which are not withdrawn will become effective on the date set out above, notwithstanding adverse comment on any other provision.

II. General Information

A. Summary of This Action

EPA is amending its hazardous chemical inventory reporting regulations at 40 CFR part 370 to conform to OSHA’s Hazard Communication Standard (HCS) updates of 2012 and 2024 and to make minor corrections for plain language, clarity, and consistency.

In 2012, the OSHA HCS, codified at 29 CFR 1910.1200, was amended to adopt the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS) [77 FR 17574; March 26, 2012⁵]. Among these 2012 OSHA HCS amendments, OSHA replaced the term *Material Safety Data Sheet (MSDS)* with the term *Safety Data Sheet (SDS)* and also stated that these two terms mean the same thing. In alignment, EPA amended its hazardous chemical reporting regulations at 40 CFR part 370 to conform to these changes [81 FR 38104; June 13, 2016⁶ and 81 FR 47311; July 21, 2016⁷]. The EPA 2016 amendments included adding the term SDS to the regulation so that both terms are used together throughout 40 CFR part 370. In this action, EPA is removing use of the term MSDS to conform to the OSHA HCS and to improve readability of the regulation in the following sections: §§ 370.3, 370.10, 370.12, 370.13, 370.14, 370.20, centered heading, 370.30, 370.31, 370.32, 370.33, 370.60, 370.62, 370.63, and 370.64.

In 2024, the OSHA HCS, codified at 29 CFR 1910.1200, was further amended to conform to revisions of the United Nations Globally Harmonized System of Classification and Labelling of Chemicals [89 FR 44144; May 20, 2024⁸ and 89 FR 81829; October 9, 2024⁹]. This update improves awareness of chemical hazards by instituting changes as to how chemical hazards are reported on SDSs. Hazards reported on SDSs are used for reporting hazardous chemical inventories under EPCRA sections 311 and 312 [42 U.S.C. 11021 and 11022¹⁰]. In this action, EPA is amending the EPCRA hazard categories to conform with the 2024 OSHA HCS and making the conforming amendments to the following sections: §§ 370.3, 370.30, 370.41, and 370.42.

The Agency is also making minor plain language, clarifying, and consistency corrections in the following sections: §§ 370.1, 370.2, 370.3, 370.10,

370.14, 370.30, 370.32, 370.33, 370.40, 370.41, 370.42, 370.43, 370.44, 370.45, 370.60, 370.61, 370.62, 370.64, 370.65, and 370.66. These corrections include capitalizing each letter of the term *Extremely Hazardous Substance* at § 370.66. Additionally, the Agency is moving the definitions for this part from § 370.66 to § 370.3, amending the title of § 370.3 to be *Definitions*, amending the title of § 370.66 to be *[Reserved]*, and adding a note to § 370.66 that the definitions are now in § 370.3. These adjustments add clarity to the regulation by providing definitions of key words prior to the requirements. Further, EPA is removing the historic compliance dates from § 370.33 and § 370.45, as well as removing the historic clarifications for electronic reporting from § 370.41 and § 370.42. These removals improve the readability of the regulation by removing irrelevant information.

B. Who does this regulation apply to?

Sections 311 and 312 of the EPCRA statute, and its implementing regulations at 40 CFR part 370, apply to the owners and operators of facilities that are required to prepare or have an SDS for any hazardous chemical defined under the OSHA HCS and its implementing regulations. EPCRA section 311(e) defines the term *hazardous chemical* to have the same meaning as in 29 CFR 1910.1200(c), except for certain substances exempted in EPCRA section 311(e) [42 U.S.C. 11021(e)]. 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.

C. What does this regulation require from facilities?

The regulations found at 40 CFR part 370 codify the statutory requirements of EPCRA sections 311 and 312. These EPCRA hazardous chemical inventory reporting requirements were first promulgated in 1987 [53 FR 38344; October 15, 1987].¹¹ Section 311 requires that facilities submit SDSs of hazardous chemicals or a list of hazardous chemicals grouped into categories of health and physical hazards as defined in OSHA’s HCS to the State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), and local fire department with jurisdiction over the facility. This is a one-time submittal with resubmission requirements if there is significant new information for existing hazardous chemicals, new hazardous chemicals present at the facility, or upon request by the LEPC as

required at 40 CFR 307.31. Section 312 requires that facilities submit an emergency and hazardous chemical inventory form to the SERC, LEPC, and local fire department, by March 1st annually. The inventory form provides the health and physical hazards of each hazardous chemical as well as the locations and quantities present at the facility during the previous calendar year. There are two reporting tiers, Tier I and Tier II.

SERCs provide direction for facilities in their states for whether a Tier I or a Tier II form is required to be submitted. Currently, all states require use of the Tier II inventory form, which provides specific information on each hazardous chemical for developing and maintaining local emergency response plans. The Tier I inventory form provides only general information on hazardous chemicals and is currently not accepted by any state for reporting under the EPCRA section 312.

Note that the term SERC includes Tribal Emergency Response Commissions (TERCs) and the term LEPC includes any Tribal Emergency Planning Committees (TEPCs). Facilities on Tribal lands need to verify with their Tribe which SERC or TERC, LEPC or TEPC, and fire department to submit the EPCRA 311 and 312 hazardous chemical inventory reports to. [55 FR 3062; July 26, 1990]¹²

D. Why is the Agency taking this action?

EPA is taking this action to meet its responsibilities as the Administrator of the EPCRA statute [42 U.S.C. 11049(1)] by ensuring that the hazardous chemical inventory reporting requirements are in conformance with the OSHA HCS SDS requirements, publishing a uniform format for inventory forms using OSHA SDS hazard categories, and ensuring that the regulations are clearly written. EPA anticipates that coordination with the OSHA HCS and GHS will provide greater clarity to the regulated community and facilitate emergency planning.

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

- 42 U.S.C. 11021(a)(2)(A)(i) states that the EPCRA section 311 list of hazardous chemicals report shall be grouped into categories of health and physical hazards as set forth under the OSH Act and the OSHA HCS, or in other categories as EPA may prescribe under subparagraph (B).

- 42 U.S.C. 11021(a)(2)(B) states that, for the EPCRA section 311 list of hazardous chemicals report, EPA may modify the categories of health and

physical hazards as set forth under the OSH Act and the OSHA HCS by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency.

- 42 U.S.C. 11022(d)(1)(C) states that, for the EPCRA section 312 annual hazardous chemical inventory forms, EPA may modify the OSH Act and OSHA HCS categories of health and physical hazards by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency.

- 42 U.S.C. 11022(g) states that for the EPCRA section 312 annual hazardous chemical inventory forms, EPA shall publish a uniform format for inventory forms.

- 42 U.S.C. 11049(1) states that the term *Administrator* used throughout the statute means the Administrator of the Environmental Protection Agency.

F. What are the incremental costs and benefits of this action?

This action does not create any additional requirements on affected facilities. EPA also anticipates that this action will improve first responder and community safety; prevent interpretation burdens for facilities, states, local agencies, and fire departments; and improve clarity without increasing the regulatory burden.

III. Revisions to 40 CFR Part 370

A. History of EPCRA Hazard Categories

The EPCRA statute specifies that the hazardous chemical inventory reporting under sections 311 and 312 should be based on the health and physical hazard categories established under the OSH Act and the OSHA HCS regulations and that EPA may modify those hazards. Accordingly, in 1987, EPA modified OSHA's 23 health and physical hazards into five hazard categories (two health and three physical hazard categories) for facilities to use for reporting and codified the requirements at 40 CFR part 370. Facilities used the following five categories for EPCRA hazardous chemical inventory reporting from 1987 to 2016: (1) *Immediate (acute) health hazard*, including highly toxic, toxic, irritant, sensitizer, corrosive, and other hazardous chemicals that cause an adverse effect to a target organ and which effect usually occurs rapidly as a result of short-term exposure and is of short duration; (2) *Delayed (chronic) health hazard*, including carcinogens and other hazardous chemicals that

cause an adverse effect to a target organ and which effect generally occurs as a result of long-term exposure and is of long duration; (3) *Fire hazard*, including flammable, combustible liquid, pyrophoric, and oxidizer; (4) *Sudden release of pressure*, including explosive and compressed gas; and (5) *Reactive*, including unstable reactive, organic peroxide, and water reactive. [53 FR 38344; October 15, 1987]

In 2016, EPA conformed the EPCRA regulations at 40 CFR part 370 with the 2012 OSHA HCS. The 2012 OSHA HCS adopted the GHS to establish consistent and standardized hazard communications and required the development of SDSs with a standardized 16-section format. The EPA's conforming action included replacing the five EPCRA hazard categories established in 1987 with the 2012 OSHA HCS hazard classes, as listed within the definitions of *health hazard* and *physical hazard*, as well as the four hazards that the GHS did not address (simple asphyxiant, combustible dust, pyrophoric gas, and hazard not otherwise classified) but are included in the 2012 OSHA HCS definition of a hazardous chemical. In the 2016 preamble, EPA discussed that the 2012 OSHA HCS divides the OSHA hazard classes into categories, stating that the detailed criteria would be valuable for emergency planners and first responders, but did not incorporate the hazard categories into the EPCRA hazardous chemical inventory reports. [81 FR 47311; July 21, 2016] The following table lists the EPCRA hazard categories, as was published in 40 CFR 370.66 from 2016 until the compliance date (December 1, 2026) of this action:

EPCRA HAZARD CATEGORIES BASED ON OSHA DEFINITIONS
(2016 until December 1, 2026)

Health hazards	Physical hazards
• Acute toxicity (any route of exposure) • Aspiration hazard • Carcinogenicity • Germ cell mutagenicity • Reproductive toxicity • Respiratory or skin sensitization • Serious eye damage or eye irritation	• Combustible dust • Corrosive to metal • Explosive • Flammable (gases, aerosols, liquids, or solids) • Gas under pressure • In contact with water emits flammable gas • Organic peroxide

EPCRA HAZARD CATEGORIES BASED ON OSHA DEFINITIONS—Continued (2016 until December 1, 2026)

Health hazards	Physical hazards
• Simple asphyxiant • Skin corrosion or irritation • Specific organ toxicity (single or repeat exposure) • Hazard not otherwise classified (HNOC)	• Oxidizer (liquid, solid, or gas) • Pyrophoric (liquid or solid) • Pyrophoric Gas • Self-heating • Self-reactive • Hazard not otherwise classified (HNOC)

B. Revisions to EPCRA hazard categories

In 2024, OSHA amended the HCS to conform with the GHS (primarily to GHS Revision 7, published in 2017). The 2024 OSHA HCS modifications that affect EPCRA include revised criteria for the classification of certain physical hazards to better capture and communicate the hazards to downstream users and amended contents for *Section 2. Hazard Identification* of SDSs. [89 FR 44144; May 20, 2024]

The following is a list of the revised criteria affecting EPCRA: (1) replacement of the hazard class *Flammable Aerosols* with *Aerosols and Chemicals Under Pressure*; (2) addition of the hazard class *Desensitized Explosives*; (3) inclusion of pyrophoric

and chemically unstable gases ¹³ within the definition of *Flammable Gases*; and (4) removal of pyrophoric gases from the definition of hazardous chemical. These modifications also affect the definitions of *health hazards* and *physical hazards* at 40 CFR 370.66, which are being moved to 40 CFR 370.3 in this action. The following discusses these changes to the OSHA hazard classes and the conforming amendments to the EPCRA regulation at 40 CFR part 370.

The 2024 OSHA HCS replaces the *Flammable Aerosols* hazard class with two hazard classes *Aerosols* and *Chemicals Under Pressure*. These two hazard classes are both divided into three hazard categories (two for flammables and one for non-flammable). [89 FR 44321–44324; May 20, 2024]

This HCS modification groups substances with different hazards for first responders into the same hazard class. For example, non-refillable fire extinguishers would be classified as *Aerosol—Category 3*, where highly flammable paints would be *Aerosols—Category 1*.

To align with this modification while ensuring the protection of first responders and communities, the EPCRA regulation will directly incorporate the OSHA hazard categories as opposed to the current method of being based on the summaries of hazard classes as provided in the OSHA definitions at 29 CFR 1910.1200(c) for hazardous chemical, health hazard, and

physical hazard. The current method groups together similarly named hazard classes rather than the OSHA hazard categories. The current EPCRA hazard categories that are groupings of multiple OSHA hazard classes are acute toxicity (any route of exposure), flammable (gases, aerosols, liquids, or solids), gas under pressure (compressed gas), oxidizer (liquid, solid or gas), and pyrophoric (liquid or solid). There are currently 24 EPCRA hazard categories; this action simply incorporates the 112 OSHA hazard categories as the EPCRA hazard categories. These more detailed hazard categories provide more accurate hazard information. This increased specificity for the risk criteria will be valuable to emergency planners and responders, while allowing facilities to simply copy the hazard categories from the SDSs to the EPCRA inventory reports. Modifying the EPCRA regulations to use the OSHA hazard categories is in direct alignment with the statutory sections 42 U.S.C. 11021(a)(2)(A)(i) and section 11022(d)(C)(i), which state that the EPCRA hazardous chemical inventory reporting should be based on the categories of health and physical hazards as set forth under the OSH Act and its regulations.

The following table compares the current EPCRA hazard categories to the 2024 OSHA HCS hazard classes and their hazard categories:

COMPARISON OF CURRENT EPCRA HAZARD CATEGORIES TO THE 2024 OSHA HAZARD COMMUNICATION STANDARD'S HAZARD CLASSES AND CATEGORIES FROM 29 CFR 1910.1200, INCLUDING APPENDICES A & B [Alphabetical order of health and physical classes]

EPCRA hazard categories (adopted in 2016)	OSHA hazard class (2024 HCS)	OSHA hazard categories (2024 HCS)
Health Hazards		
Acute Toxicity (any route of exposure)	Acute Toxicity, Oral Acute Toxicity, Dermal Acute Toxicity, Inhalation	Oral—Category 1 Oral—Category 2 Oral—Category 3 Oral—Category 4 Dermal—Category 1 Dermal—Category 2 Dermal—Category 3 Dermal—Category 4 Inhalation—Category 1 Inhalation—Category 2 Inhalation—Category 3 Inhalation—Category 4
Aspiration Hazard	Aspiration Hazard	Category 1
Carcinogenicity	Carcinogenicity	Category 1 Sub-Category 1A Sub-Category 1B Category 2
Germ Cell Mutagenicity	Germ Cell Mutagenicity	Category 1 Sub-Category 1A Sub-Category 1B Category 2

COMPARISON OF CURRENT EPCRA HAZARD CATEGORIES TO THE 2024 OSHA HAZARD COMMUNICATION STANDARD'S HAZARD CLASSES AND CATEGORIES FROM 29 CFR 1910.1200, INCLUDING APPENDICES A & B—Continued

[Alphabetical order of health and physical classes]

EPCRA hazard categories (adopted in 2016)	OSHA hazard class (2024 HCS)	OSHA hazard categories (2024 HCS)
Reproductive Toxicity	Reproductive Toxicity	Category 1 Sub-Category 1A Sub-Category 1B Category 2 Effects on or via lactation
Respiratory or Skin sensitization	Respiratory Sensitization or Skin Sensitization.	Respiratory sensitizer—Category 1 Respiratory sensitizer—Sub-Category 1A Respiratory sensitizer—Sub-Category 1B Skin sensitizer—Category 1 Skin sensitizer—Sub-Category 1A Skin sensitizer—Sub-Category 1B
Serious Eye Damage or Eye Irritation	Serious Eye Damage/Eye Irritation	Serious eye damage—Category 1 Eye irritation—Category 2 Eye irritation—Sub-Category 2A Eye irritation—Sub-Category 2B
Simple Asphyxiant	Simple Asphyxiants	<i>Single Category</i>
Skin Corrosion or Irritation	Skin Corrosion	Skin corrosion—Category 1
	Skin Irritation	Skin corrosion—Sub-Category 1A Skin corrosion—Sub-Category 1B Skin corrosion—Sub-Category 1C Skin irritation—Category 2
Specific Target Organ Toxicity (Single or Repeated Exposure).	Specific Target Organ Toxicity Single Exposure.	Category 1 Category 2 Category 3
	Specific Target Organ Toxicity Repeated or Prolonged Exposure.	Category 1 Category 2
Hazard Not Otherwise Classified	Hazard Not Otherwise Classified	<i>Single Category</i>
Physical Hazard Classes		
<i>*Aerosols were under Flammable</i>	Aerosols and Chemicals Under Pressure.	Aerosols—Category 1 Aerosols—Category 2 Aerosols—Category 3
<i>**Chemicals Under Pressure is a new term to the 2024 OSHA HCS, these chemicals previously met the criteria for Flammable Gases..</i>		Chemicals under pressure—Category 1 Chemicals under pressure—Category 2 Chemicals under pressure—Category 3
Combustible Dust	Combustible Dusts	<i>Single Category</i>
Corrosive to Metal	Corrosive to Metal	Category 1
<i>*Desensitized Explosives is new to the 2024 OSHA HCS</i>	Desensitized Explosives	Category 1 Category 2 Category 3 Category 4
Explosive	Explosives	Unstable Division 1.1 Division 1.2 Division 1.3 Division 1.4 Division 1.5 Division 1.6
Flammable (gases, aerosols, liquids, or solids)	Flammable Gases	Flammable Gas—Category 1A Flammable Gas—Category 1B Flammable Gas—Category 2 Chemically Unstable Gas—Category A Chemically Unstable Gas—Category B Pyrophoric Gas
<i>*Aerosols are a separate hazard class in the 2024 OSHA HCS.</i>	Flammable Liquids	Category 1 Category 2 Category 3 Category 4
	Flammable Solids	Category 1 Category 2
Gas under pressure (compressed gas)	Gases Under Pressure	Compressed Gas Dissolved Gas Liquefied gases Refrigerated liquefied gas

COMPARISON OF CURRENT EPCRA HAZARD CATEGORIES TO THE 2024 OSHA HAZARD COMMUNICATION STANDARD'S HAZARD CLASSES AND CATEGORIES FROM 29 CFR 1910.1200, INCLUDING APPENDICES A & B—Continued
[Alphabetical order of health and physical classes]

EPCRA hazard categories (adopted in 2016)	OSHA hazard class (2024 HCS)	OSHA hazard categories (2024 HCS)
In contact with water emits flammable gas	Chemicals Which, in Contact With Water, Emit Flammable Gases.	Category 1 Category 2 Category 3
Organic peroxide	Organic Peroxides	Type A Type B Type C Type D Type E Type F Type G
Oxidizer (liquid, solid or gas)	Oxidizing Gases	Category 1
	Oxidizing Liquids	Category 1 Category 2 Category 3
	Oxidizing Solids	Category 1 Category 2 Category 3
Pyrophoric (liquid or solid)	Pyrophoric Liquids	Category 1
	Pyrophoric Solids	Category 1
Pyrophoric Gas	*Pyrophoric Gas is classified as a Flammable Gas in the 2024 OSHA HCS.	N/A
Self-heating	Self-Heating Chemicals	Category 1 Category 2
Self-reactive	Self-Reactive Chemicals	Type A Type B Type C Type D Type E Type F Type G
Hazard Not Otherwise Classified	Hazard Not Otherwise Classified	Single Category

Summary of changes to hazard categories—

In direct alignment with the EPCRA statute, which requires that the EPCRA hazardous chemical reporting be for OSHA hazardous chemicals and be grouped into categories of health and physical hazards [42 U.S.C. 11021(a)(2)(A)(i) and section 11022(d)(C)(i)], EPA is amending the EPCRA hazard categories to include the full list of OSHA hazard classes with their categories for the health and physical hazards. Previously, EPA used the abbreviated list of OSHA hazard classes as was defined under the terms hazardous chemical, health hazard, and

physical hazard within 29 CFR 1910.1200(c).

EPA will continue to include the hazard classes that are listed in the OSHA HCS definition of *hazardous chemical* as health and/or physical hazard classes: simple asphyxiants will remain a health hazard, combustible dust will remain a physical hazard, and hazard not otherwise classified will remain both a physical hazard and a health hazard [81 FR 38107; June 13, 2016]. Because these classes do not have hazard categories in the appendices of 29 CFR 1910.1200, the hazard class will also be the hazard category for EPCRA reporting purposes. This is also in agreement with the

OSHA guidance document *Hazard Classification Guidance* [OSHA 3844–02 2016].¹⁴

These changes will ensure that first responders and communities are aware of the hazards present at facilities, while maintaining the reporting burden reduction achieved in the 2016 amendments by ensuring that facilities only need to copy the chemical hazard information from the SDSs to the EPCRA inventory forms [81 FR 38107; June 13, 2016]. The following tables compare the current EPCRA hazard categories (adopted in 2016) to the hazard categories which are being adopted in this action:

EPCRA HEALTH HAZARD CATEGORIES

Adopted in 2016	Adopting in this action to conform with the 2024 OSHA HCS (OSHA hazard class—OSHA hazard category)	Notes about changes to EPCRA hazard categories
Acute Toxicity (any route of exposure)	Acute Toxicity, Oral—Category 1 Acute Toxicity, Oral—Category 2 Acute Toxicity, Oral—Category 3 Acute Toxicity, Oral—Category 4 Acute Toxicity, Dermal—Category 1 Acute Toxicity, Dermal—Category 2 Acute Toxicity, Dermal—Category 3 Acute Toxicity, Dermal—Category 4 Acute Toxicity, Inhalation—Category 1 Acute Toxicity, Inhalation—Category 2 Acute Toxicity, Inhalation—Category 3 Acute Toxicity, Inhalation—Category 4	• Including the OSHA classes and categories for these health hazards from Appendix A.1 to create twelve EPCRA hazard categories.
Aspiration Hazard	Aspiration Hazard—Category 1	• No changes.
Carcinogenicity	Carcinogenicity—Category 1 Carcinogenicity—Sub-Category 1A Carcinogenicity—Sub-Category 1B Carcinogenicity—Category 2	• Including the OSHA categories for this hazard class from Appendix A.6 to create four EPCRA hazard categories.
Germ Cell Mutagenicity	Germ Cell Mutagenicity—Category 1 Germ Cell Mutagenicity—Sub-Category 1A Germ Cell Mutagenicity—Sub-Category 1B Germ Cell Mutagenicity—Category 2	• Including the OSHA categories for this hazard class from Appendix A.5 to create four EPCRA hazard categories.
Reproductive Toxicity	Reproductive Toxicity—Category 1 Reproductive Toxicity—Sub-Category 1A Reproductive Toxicity—Sub-Category 1B Reproductive Toxicity—Category 2 Reproductive Toxicity—Effects on or via lactation	• Including the OSHA categories for this hazard class from Appendix A.7 to create five EPCRA hazard categories.
Respiratory or Skin Sensitization	Respiratory Sensitizer—Category 1 Respiratory Sensitizer—Sub-Category 1A Respiratory Sensitizer—Sub-Category 1B Skin Sensitizer—Category 1 Skin Sensitizer—Sub-Category 1A Skin Sensitizer—Sub-Category 1B	• Including the OSHA classes and categories for these health hazards from Appendix A.4 to create six EPCRA hazard categories.
Serious Eye Damage or Eye Irritation	Serious Eye Damage—Category 1 Eye Irritation—Category 2 Eye Irritation—Sub-Category 2A Eye Irritation—Sub-Category 2B	• Including the OSHA categories for this hazard class from Appendix A.3 to create four EPCRA hazard categories.
Simple Asphyxiant	Simple Asphyxiant	• No changes.
Skin Corrosion or Irritation	Skin Corrosion—Category 1 Skin Corrosion—Sub-Category 1A Skin Corrosion—Sub-Category 1B Skin Corrosion—Sub-Category 1C Skin Irritation—Category 2	• Including the OSHA classes and categories for these health hazards from Appendix A.2 to create five EPCRA hazard categories.
Specific Target Organ Toxicity (Single or Repeated Exposure).	Specific Target Organ Toxicity Single Exposure—Category 1 Specific Target Organ Toxicity Single Exposure—Category 2 Specific Target Organ Toxicity Single Exposure—Category 3 Specific Target Organ Toxicity Repeated or Prolonged Exposure—Category 1 Specific Target Organ Toxicity Repeated or Prolonged Exposure—Category 2	• Separating the “single” and “repeated or prolonged” hazard classes. • Including the OSHA classes and categories for these health hazards from Appendices A.8 and A.9 to create five EPCRA hazard categories.
Hazard Not Otherwise Classified (HNOC)	Hazard Not Otherwise Classified (HNOC)	• No changes.

EPCRA HEALTH HAZARD CATEGORIES—Continued

Adopted in 2016	Adopting in this action to conform with the 2024 OSHA HCS (OSHA hazard class—OSHA hazard category)	Notes about changes to EPCRA hazard categories
EPCRA Physical Hazard Categories		
Flammable (gases, aerosols, liquids or solids)	Aerosols—Category 1 Aerosols—Category 2 Aerosols—Category 3 Chemicals Under Pressure—Category 1 Chemicals Under Pressure—Category 2 Chemicals Under Pressure—Category 3 Flammable Gases—Category 1A Flammable Gases—Category 1B Flammable Gases—Category 2 Flammable Gases—Chemically Unstable Gas—Category 1A/A Flammable Gases—Chemically Unstable Gas—Category 1A/B Flammable Gases—Pyrophoric Gas—Category 1A Flammable Liquids—Category 1 Flammable Liquids—Category 2 Flammable Liquids—Category 3 Flammable Liquids—Category 4 Flammable Solids—Category 1 Flammable Solids—Category 2	• Aerosols are no longer reported under the flammable hazard category, they are now in the Aerosols hazard class. • Aerosols and Chemicals Under Pressure hazard classes now include flammable (Categories 1 & 2) and non-flammable hazards (Category 3). • Pyrophoric gases are no longer an independent hazard class and are included in the flammable gases hazard class. Report under the Flammable Gases—Pyrophoric Gas hazard category. • Chemically unstable gases (Categories A & B) are now included within the OSHA HCS flammable gases hazard category. Report under the appropriate Flammable Gases—Chemically Unstable Gas hazard category. • Separating the OSHA “flammable” hazard classes. • Including the OSHA categories for these physical hazard classes from Appendices B.2, B.3, B.6, and B.7 to create eighteen EPCRA hazard categories.
Combustible Dust	Combustible Dust	• No changes.
Corrosive to Metal	Corrosive to Metal—Category 1	• Including the OSHA category for this physical hazard class from Appendix B.16.
<i>Not a Hazard Category in 2012</i>	Desensitized Explosives—Category 1 Desensitized Explosives—Category 2 Desensitized Explosives—Category 3 Desensitized Explosives—Category 4	• New OSHA hazard class and categories. Formerly reported under Explosives hazard class. • Including the OSHA categories for this physical hazard from Appendix B.17 to create four EPCRA hazard categories.
Explosives	Explosives—Unstable Explosives—Division 1.1 Explosives—Division 1.2 Explosives—Division 1.3 Explosives—Division 1.4 Explosives—Division 1.5 Explosives—Division 1.6	• Desensitized explosives are no longer categorized as explosives they are now in the desensitized explosives hazard class. • Including the OSHA categories for this physical hazard from Appendix B.1 to create seven EPCRA hazard categories.
Gases Under Pressure (compressed gas)	Gas Under Pressure—Compressed Gas Gas Under Pressure—Dissolved Gas Gas Under Pressure—Liquefied Gas Gas Under Pressure—Refrigerated liquefied gas	• Including the OSHA categories for this physical hazard from Appendix B.5 to create four EPCRA hazard categories.
In Contact With Water, Emits Flammable Gases	In Contact With Water Emits Flammable Gases—Category 1 In Contact With Water Emits Flammable Gases—Category 2 In Contact With Water Emits Flammable Gases—Category 3	• Including the OSHA categories for this physical hazard from Appendix B.12 to create three EPCRA hazard categories.
Organic Peroxides	Organic Peroxides—Type A Organic Peroxides—Type B Organic Peroxides—Type C Organic Peroxides—Type D Organic Peroxides—Type E Organic Peroxides—Type F Organic Peroxides—Type G	• Including the OSHA categories for this physical hazard from Appendix B.15 to create seven EPCRA hazard categories.

EPCRA HEALTH HAZARD CATEGORIES—Continued

Adopted in 2016	Adopting in this action to conform with the 2024 OSHA HCS (OSHA hazard class—OSHA hazard category)	Notes about changes to EPCRA hazard categories
Oxidizer (liquid, solid, or gas)	Oxidizing Gases Oxidizing Liquids—Category 1 Oxidizing Liquids—Category 2 Oxidizing Liquids—Category 3 Oxidizing Solids—Category 1 Oxidizing Solids—Category 2 Oxidizing Solids—Category 3	- Separating the OSHA <i>oxidizing</i> hazard classes - Including the OSHA categories for this physical hazard from Appendices B.4, B.13, and B.14 to create seven EPCRA hazard categories.
Pyrophoric Gas	N/A: Not a hazard class in 2024 OSHA HCS.	No longer an independent hazard class. Report under Flammable Gas.
Pyrophoric (liquid or solid)	Pyrophoric Liquids—Category 1 Pyrophoric Solids—Category 1	- Separating the OSHA <i>pyrophoric</i> physical hazard classes per Appendices B.9 and B.10, to create two EPCRA hazard categories. - Including the OSHA category for these physical hazard classes from Appendices B.9 and B.10 to create two hazard categories.
Self-Heating Chemicals	Self-Heating Chemicals—Category 1 Self-Heating Chemicals—Category 2	Including the OSHA categories for this physical hazard from Appendix B.11 to create two EPCRA hazard categories.
Self-Reactive Chemicals	Self-Reactive Chemicals—Type A Self-Reactive Chemicals—Type B Self-Reactive Chemicals—Type C Self-Reactive Chemicals—Type D Self-Reactive Chemicals—Type E Self-Reactive Chemicals—Type F Self-Reactive Chemicals—Type G	Including the OSHA categories for this physical hazard from Appendix B.8 to create seven EPCRA hazard categories.
Hazard Not Otherwise Classified (HNOC)	Hazard Not Otherwise Classified (HNOC)	No changes.

C. Revisions to EPCRA Definitions

EPA is amending the definition of *hazard category* and removing the definition of *Material Safety Data Sheet* to conform with the 2024 OSHA HCS. EPA also notes that OSHA added a definition for combustible dust to the 2024 OSHA HCS. Further, the Agency is moving the definitions for 40 CFR part 370 from § 370.66 to § 370.3 to ensure clarity and consistency within the EPCRA regulations.

Hazard category—

EPA is amending the definition of *hazard category* in 40 CFR part 370, including the health and physical hazard definitions, to implement the

conforming amendments discussed above in section *B. Revisions to EPCRA Hazard Categories*. This action amends the definition of *hazard category* to state that under EPCRA, a hazard category is the OSHA HCS's classification of a chemical's hazard(s) into classes with their categories as are reported in Section 2 of SDSs in accordance with 29 CFR 1910.1200. In accordance with the EPCRA statute [42 U.S.C.

11021(a)(2)(A)(1) and section 11022(a)(1)], the hazard categories continue to be divided by their hazard class into those with health and physical hazards. The definitions for *health hazard* and *physical hazard* are

being amended to list each of the hazard classes as are described and named in Appendices A and B of 29 CFR 1910.1200 or 29 CFR 1910.1200(c) for combustible dust, simple asphyxiant, and hazards not otherwise classified, as well as to alphabetize the hazard classes to improve functionality and reduce the burden of completing the inventory forms.

The following table compares the definition for *hazard category*, including *health hazard* and *physical hazard*, between the 2016 EPCRA regulation and this action, with differences in language bolded:

2016 EPCRA 311–312 40 CFR 370.66	Adopting in this action EPCRA 311–312 40 CFR 370.3
<i>Hazard category</i> is divided into two categories, health and physical hazards: (1) Health hazard means a chemical which poses one of the following hazardous effects: Carcinogenicity; acute toxicity (any route of exposure); aspiration hazard; reproductive toxicity; germ cell mutagenicity; skin corrosion or irritation; respiratory or skin sensitization; serious eye damage or eye irritation; specific target organ toxicity (single or repeated exposure); simple asphyxiant; and hazard not otherwise classified (HNOC).	<i>Hazard category</i> means the classification of a chemical's hazard(s) into classes with their categories as are reported in Section 2 of SDSs in accordance with 29 CFR 1910.1200. Hazard categories are divided by hazard class into health and physical hazards: (1) <i>Health hazard</i> means a chemical that is classified into one of the following hazard classes: acute toxicity (oral, dermal, or inhalation); aspiration hazard; carcinogenicity; germ cell mutagenicity; reproductive toxicity; respiratory sensitizer; skin sensitizer; serious eye damage/eye irritation; simple asphyxiant; skin corrosion or irritation; specific target organ toxicity (single exposure) or (repeated or prolonged exposure); and hazard not otherwise classified (HNOC).

2016 EPCRA 311–312 40 CFR 370.66	Adopting in this action EPCRA 311–312 40 CFR 370.3
(2) Physical hazard means a chemical which poses one of the following hazardous effects: Flammable (gases, aerosols, liquids or solids); gas under pressure; explosive; self-heating; pyrophoric (liquid or solid); pyrophoric gas; oxidizer (liquid, solid or gas); organic peroxide; self-reactive; in contact with water emits flammable gas; combustible dust; corrosive to metal; and hazard not otherwise classified (HNOC).	(2) <i>Physical hazard</i> means a chemical that is classified into one of the following hazard classes: aerosols; chemicals under pressure; combustible dust; corrosive to metal; desensitized explosive; explosives; flammable (gases, liquids, or solids); gas under pressure; in contact with water emits flammable gases; organic peroxides; oxidizing (gases, liquids, or solids); pyrophoric (liquids or solids); self-heating chemicals; self-reactive chemicals; and hazard not otherwise classified (HNOC).

(Material) Safety Data Sheet—

The 2012 OSHA HCS replaced the term *Material Safety Data Sheet (MSDS)* with the term *Safety Data Sheet (SDS)* and also stated that these two terms mean the same thing, serve the same function, and communicate the same types of information. Additionally, OSHA stated that an SDS should be treated as an MSDS under EPCRA. [77 FR 17730; March 26, 2012] Further, the 2012 and 2024 OSHA HCS at 29 CFR 1910.1200 do not contain the term Material Safety Data Sheet or MSDS, nor do they provide a reference to the prior use of this term.

The EPCRA statute defines and references the term Material Safety Data Sheet and its acronym MSDS, stating that the document is required to be prepared or made available for a hazardous chemical under the OSH Act of 1970 and the OSHA HCS at 29 CFR 1910.1200 [42 U.S.C. 11021(a)(1) and 11049(6)]. In 2016, EPA amended 40 CFR part 370 to use both terms and their acronyms, stating that the terms mean the same thing and that more stakeholders commonly use the term SDS. EPA finds that the use of both terms in the regulation is cumbersome to read and unnecessary, as it is well documented by OSHA and EPA that

these terms refer to the same document and that document is what is required by EPCRA. Therefore, to better align the hazardous chemical inventory reporting regulations with the OSHA HCS, EPA is removing the definition for Material Safety Data Sheet (MSDS) and use of the term within the regulation and is also amending the definition of Safety Data Sheet (SDS) for consistency and added clarity that the term SDS replaces the term MSDS for the required data sheet.

The following table provides the current and revised definition of Safety Data Sheet, which are being moved from § 370.66 to § 370.3 in this action, with the modified language in bold.

2016 EPCRA 311–312 40 CFR 370.66	Adopting in this action EPCRA 311–312 40 CFR 370.3
<i>Safety Data Sheet</i> or <i>SDS</i> means the sheet required to be developed under 29 CFR 1910.1200(g). This term means the same as the term “material safety data sheet or MSDS” defined in this section.	<i>Safety Data Sheet (SDS)</i> means the sheet required to be developed under 29 CFR 1910.1200(g). This term SDS replaces the term “material safety data sheet” for the name of the data sheet defined in the statute [42 U.S.C. 11049(6)].

Combustible dust—

The 2024 OSHA HCS includes the following definition of combustible dust at 29 CFR 1910.1200(c): “Combustible dust means finely divided solid particulates of a substance or mixture that pose a flash-fire hazard or explosion hazard when dispersed in air or other oxidizing media.” [89 FR 44272–44274; May 20, 2024] EPA notes that the 2024 OSHA HCS definition of combustible dusts is applicable to 40 CFR part 370 by the existing reference to the OSHA HCS within the definition of hazardous chemical at 40 CFR 370.66. EPA is not making amendments to further incorporate this definition.

Location of definitions in 40 CFR part 370—

Additionally, through this action, the Agency is moving the definitions for this part from § 370.66 to § 370.3,

amending the title of § 370.3 to be *Definitions*, amending the title of § 370.66 to be *[Reserved]*, and adding a note to § 370.66 that the definitions are now in § 370.3. This adjustment adds clarity to the regulation by providing key words prior to the requirements and is consistent with the Agency’s common practice.

D. Other Revisions to 40 CFR Part 370

In this action, EPA is capitalizing each letter of the term *Extremely Hazardous Substance* to add clarity between the distinct set of substances listed in the appendices to 40 CFR part 355 and the broad use of the term extremely hazardous substance within the Clean Air Act (CAA) 112(r) programs [42 U.S.C. 7412(r)]. This distinction is necessary to reduce confusion as there is interplay between

the EPCRA and CAA 112(r) statutes, regulations, and stakeholders.

In this action, EPA is also making minor plain language, clarifying, and consistency edits in the following sections: §§ 370.1, 370.2, 370.3, 370.10, 370.14, 370.30, 370.32, 370.33, 370.40, 370.41, 370.42, 370.43, 370.44, 370.45, 370.60, 370.61, 370.62, 370.64, 370.65, and 370.66. These changes include removing the historic compliance dates from § 370.33 and § 370.45, as well as removing the historic clarifications for electronic reporting from § 370.41 and § 370.42.

E. Summary of Revisions to 40 CFR Part 370

The following is a list of amendments being made through this action:

Citations	List of amendments
40 CFR part 370	—Removes most uses of the term MSDS.
§ 370.1	—Removes use of the term MSDS.
	—Makes minor changes for clarity and consistency.
§ 370.2	—Amends title for plain language and clarity.
	—Makes minor changes for plain language and clarity.

Citations	List of amendments
§ 370.3	—Amends title. —Moves definitions here from § 370.66. —Removes the language which referred to § 370.66 for definitions. —Capitalizes each letter of the term Extremely Hazardous Substance. —Amends the definitions for hazard category (including health hazard and physical hazard) and safety data sheet as described in this action. —Removes the definition of <i>Material Safety Data Sheet</i> or MSDS. —Makes minor changes for plain language, clarity, and consistency to the following definitions: Indian Country, person, SERC, and threshold planning quantity (TPQ).
§ 370.10	—Removes use of the term MSDS. —Adds a note to paragraph (a). —Makes minor changes for plain language, clarity, and consistency.
§ 370.12	—Removes use of the term MSDS.
§ 370.13	—Removes use of the term MSDS.
§ 370.14	—Removes use of the term MSDS. —Makes minor changes for plain language and consistency.
§ 370.20	—Removes use of the term MSDS.
Centered heading	—Removes use of the term MSDS.
§ 370.30	—Amends to clarify that the hazard categories are as listed in section 2 of the SDS. —Removes use of the term MSDS. —Makes minor changes for clarity and consistency.
§ 370.31	—Removes use of the term MSDS.
§ 370.32	—Removes use of the term MSDS. —Makes minor changes for clarity and consistency.
§ 370.33	—Removes use of the term MSDS. —Removes historic compliance date. —Makes minor changes for plain language and clarity.
§ 370.40	—Makes minor changes for plain language, clarity, and consistency.
§ 370.41	—Amends to clarify that the hazard categories are as listed in section 2 of the SDS. —Removes of historic clarifications for electronic reporting. —Makes minor changes for plain language, clarity, and consistency.
§ 370.42	—Amends to clarify that the hazard categories are as listed in section 2 of the SDS. —Removes of historic clarifications for electronic reporting —Makes minor changes for plain language, clarity, and consistency.
§ 370.43	—Makes minor change for clarity and consistency.
§ 370.44	—Makes minor change for clarity and consistency.
§ 370.45	—Removes of historic compliance date. —Makes minor changes for plain language, clarity, and consistency.
§ 370.60	—Removes use of the term MSDS. —Makes a minor change for plain language.
§ 370.61	—Makes minor changes for plain language, clarity, and consistency.
§ 370.62	—Amends the title for consistency. —Removes use of the term MSDS. —Makes a minor changes for clarity and consistency.
§ 370.63	—Removes use of the term MSDS.
§ 370.64	—Removes use of the term MSDS. —Makes minor changes plain language, clarity, and consistency.
§ 370.65	—Amends the title with clarifying punctuation.
§ 370.66	—Changes title to [Reserved]. —Moves definitions to § 370.3 —Adds “Note to 370.66: Definitions are in § 370.3.”

IV. Statutory and Executive Orders 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 not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is considered a deregulatory action under Executive Order 14192. This action provides burden reduction by directly adopting OSHA definitions and hazard categories as the EPCRA definitions and hazard categories and also by making plain language, clarifying, and consistency edits to improve the readability and add clarity to the regulation. By directly adopting the OSHA definitions and hazard categories, this action should reduce administrative costs by preventing interpretation burdens on facilities when using Safety Data Sheets

to complete annual hazardous chemical inventory reports. By improving the readability and adding clarity, this action should reduce the burden to read and understand the regulations. This rule will also improve first responder and community safety, thereby extending the deregulatory benefits of EPA's approach to state and local governments. Overall, this action will have total costs of less than zero.

C. Paperwork Reduction Act (PRA)

The information collection activities in this direct final rule will be submitted for approval to the Office of Management and Budget (OMB) under the PRA through a revision Information

Collection Request (ICR) [EPA ICR number 1352.18; OMB Control Number 2050–0072] to be announced, shared via docket, and made available for a 60-day public comment period in a subsequent **Federal Register** Notice. The information collection requirements are not enforceable until OMB approves them.

This rulemaking action will conform the terminology used, and information that must be reported, on the hazardous chemical inventory forms to the Occupational Safety and Health Administration's Hazard Communication Standard amendments of 2012 and 2024. This action will result in burden reductions by removing interpretation burdens on facilities using the SDS to complete annual hazardous chemical inventory reports and reducing the burden to read and understand the regulations. The burden for the existing EPA information collection activities is accounted for in the EPA ICR number 1352.16 under OMB Control Number 2050–0072. You can find a copy of the existing approved ICR in Docket ID: EPA–HQ–SFUND–2004–0006.

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 final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities because the rule imposes no added burden on the small entities subject to the rule. This action is modifying the hazard categories used for the existing reporting requirements. The burden for reporting is not being modified by this action. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million (adjusted annually for inflation) or more (in 1995 dollars) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements mandate(s) specifically and explicitly set forth in the EPCRA statute [42 U.S.C. Chapter 116] without the exercise of any policy discretion by the EPA.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have Tribal implications as specified in Executive Order 13175. It will 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

Executive Order 13045 directs federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. Further, this action is not subject to the EPA's Children's Health Policy (<https://www.epa.gov/children/childrens-health-policy-and-plan>) because EPA does not believe the action has considerations for human health.

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Congressional Review Act (CRA)

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

Endnotes

1. 42 U.S.C. Chapter 116—<https://www.govinfo.gov/content/pkg/USCODE-2023-title29/pdf/USCODE-2023-title29-chap15-sec651.pdf>.
2. 29 U.S.C. Chapter 15—<https://www.govinfo.gov/content/pkg/USCODE-2023-title29/pdf/USCODE-2023-title29-chap15-sec651.pdf>.
3. 29 CFR 1910.1200—<https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.1200>.
4. The definitions section currently at 40 CFR 370.66 is being relocated to § 370.3 within this action.
5. 77 FR 17574; March 26, 2012—<https://www.govinfo.gov/content/pkg/FR-2012-03-26/pdf/2012-4826.pdf>.
6. 81 FR 38104; June 13, 2016—<https://www.govinfo.gov/content/pkg/FR-2016-06-13/pdf/2016-13582.pdf>.
7. 81 FR 47311; July 21, 2016—<https://www.govinfo.gov/content/pkg/FR-2016-07-21/pdf/2016-17277.pdf>.
8. 89 FR 44144; May 20, 2024—<https://www.govinfo.gov/content/pkg/FR-2024-05-20/pdf/2024-08568.pdf>.
9. 89 FR 81829; October 9, 2024—<https://www.govinfo.gov/content/pkg/FR-2016-07-21/pdf/2016-17277.pdf>.
10. 42 U.S.C. 11021 and 11022—<https://www.govinfo.gov/content/pkg/USCODE-2021-title42/pdf/USCODE-2021-title42-chap116.pdf>.
11. 53 FR 38344; October 15, 1987—<https://www.govinfo.gov/content/pkg/FR-1987-10-15/pdf/FR-1987-10-15.pdf>.
12. 55 FR 3062; July 26, 1990—<https://www.epa.gov/sites/default/files/2013-09/documents/55fr30645.pdf>.
13. Chemically unstable gases is a new term within the 2024 OSHA HCS. The term was added to align with the GHS revision 7, which includes chemically unstable gases and pyrophoric gases in the criteria for flammable gases. Although it is a new term for the HCS, chemically unstable gases met the criteria to be classified as flammable gases in the 2012 OSHA HCS. [89 FR 44319–44321; May 20, 2024].
14. Hazard Communication: Hazard Classification Guidance for Manufacturers,

Importers, and Employers (OSHA 3844–02 2016). <https://www.osha.gov/sites/default/files/publications/OSHA3844.pdf>.

List of Subjects in 40 CFR Part 370

Environmental protection, Chemicals, Emergency preparedness, Hazardous substances, Occupational safety and health, Reporting and recordkeeping requirements.

Lee Zeldin,

Administrator.

For the reasons set forth in the preamble, the EPA amends Title 40, Chapter I of the Code of Federal Regulations by revising and republishing 40 CFR part 370 as follows:

PART 370—HAZARDOUS CHEMICAL REPORTING: COMMUNITY RIGHT-TO-KNOW

Sec.

Subpart A—General Information

- 370.1 What is the purpose of this part?
- 370.2 Who do the terms you, I, and your refer to in this part?
- 370.3 Definitions.

Subpart B—Who Must Comply

- 370.10 Who must comply with the hazardous chemical reporting requirements of this part?
- 370.11 [Reserved]
- 370.12 What hazardous chemicals must I report under this part?
- 370.13 What substances are exempt from these reporting requirements?
- 370.14 How do I report mixtures containing hazardous chemicals?

Subpart C—Reporting Requirements

- 370.20 What are the reporting requirements of this part?

How to Comply With SDS Reporting

- 370.30 What information must I provide and what format must I use?
- 370.31 Do I have to update the information?
- 370.32 To whom must I submit the information?
- 370.33 When must I submit the information?

How to Comply With Inventory Reporting

- 370.40 What information must I provide and what format must I use?
- 370.41 What is Tier I inventory information?
- 370.42 What is Tier II inventory information?
- 370.43 What codes are used to report Tier I and Tier II inventory information?
- 370.44 To whom must I submit the inventory information?
- 370.45 When must I submit the inventory information?

Subpart D—Community Access to Information

- 370.60 How does a person obtain SDS information about a specific facility?
- 370.61 How does a person obtain inventory information about a specific facility?

- 370.62 What information may a state or local official request from a facility?
- 370.63 What responsibilities do the SERC and LEPC have to make request information available?
- 370.64 What information can I claim as trade secret or confidential?
- 370.65 Must I allow the local fire department to inspect my facility, and must I provide specific location information about hazardous chemicals at my facility?
- 370.66 [Reserved]

Authority: Sections 302, 311, 312, 322, 324, 325, 327, 328, and 329 of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) (Pub. L. 99–499, 100 Stat. 1613, 42 U.S.C. 11002, 11021, 11022, 11042, 11044, 11045, 11047, 11048, and 11049).

Subpart A—General Information

§ 370.1 What is the purpose of this part?

(a) This part (40 CFR part 370) establishes reporting requirements for providing the public with important information on the hazardous chemicals in their communities. Reporting raises community awareness of chemical hazards and aids in the development of state and local emergency response plans. The reporting requirements established under this part consist of Safety Data Sheet (SDS) reporting and inventory reporting.

(b) This part is written in a special format to make it easier to understand the regulatory requirements. Like other Environmental Protection Agency (EPA) regulations, this part establishes enforceable legal requirements. Information considered non-binding guidance under EPCRA is indicated in this regulation by the word “note” and a smaller typeface. Such notes are provided for information purposes only and are not considered legally binding under this part.

§ 370.2 Who do the terms you, I, and your refer to in this part?

Throughout this part the terms you, I, and your refer to the owner or operator of a facility.

§ 370.3 Definitions.

Chief Executive Officer of the Tribe means the person who is recognized by the Bureau of Indian Affairs as the chief elected administrative officer of the Tribe.

Environment includes water, air, and land and the interrelationship that exists among and between water, air, and land and all living things.

EPCRA means the Emergency Planning and Community Right-To-Know Act of 1986.

Extremely Hazardous Substance (EHS) means a substance listed in appendices A and B of 40 CFR part 355.

Facility means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person (or by any person that controls, is controlled by, or under common control with, such person). *Facility* includes manmade structures, as well as all natural structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use.

Hazard category means the classification of a chemical's hazard(s) into classes with their categories as are reported in Section 2 of SDSs in accordance with 29 CFR 1910.1200. Hazard categories are divided by hazard class into health hazards and physical hazards:

(1) *Health hazard* means a chemical that is classified into one of the following hazard classes: acute toxicity (oral, dermal, or inhalation); aspiration hazard; carcinogenicity; germ cell mutagenicity; reproductive toxicity; respiratory sensitizer; skin sensitizer; serious eye damage/eye irritation; simple asphyxiant; skin corrosion or irritation; specific target organ toxicity (single exposure) or (repeated or prolonged exposure); and hazard not otherwise classified.

(2) *Physical hazard* means a chemical that is classified into one of the following hazard classes: aerosols; chemicals under pressure; combustible dust; corrosive to metal; desensitized explosive; explosives; flammable (gases, liquids, or solids); gas under pressure; in contact with water emits flammable gases; organic peroxides; oxidizing (gases, liquids, or solids); pyrophoric (liquids or solids); self-heating chemicals; self-reactive chemicals; and hazard not otherwise classified.

Hazardous chemical means any hazardous chemical as defined under 29 CFR 1910.1200(c), except that such term does not include:

(1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

(2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(3) Any substance to the extent it is used:

(i) For personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance

packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public;

(ii) In a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual; or

(iii) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Indian Country means Indian country as defined in 18 U.S.C. 1151 as:

(1) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(3) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Indian Tribe or Tribe means those Tribes federally recognized by the Secretary of the Interior.

Inventory form means the uniform Tier I and Tier II emergency and hazardous chemical inventory forms published by EPA. These forms can be used for reporting inventory information, as described in 40 CFR 370.40 through 370.45.

LEPC means the Local Emergency Planning Committee appointed by the State Emergency Response Commission.

Mixture means mixture as defined under the Occupational Safety and Health Administration's Hazard Communication Standard in 29 CFR 1910.1200(c).

OSHA means the U.S. Occupational Safety and Health Administration.

Person means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or interstate body.

Safety Data Sheet (SDS) means the sheet required to be developed under 29 CFR 1910.1200(g). The term SDS replaces the term "material safety data sheet" for the name of the data sheet defined in the statute [42 U.S.C. 11049(f)].

SERC means the State Emergency Response Commission for the state in

which the facility is located except when the facility is located in Indian Country, in which case, SERC means the Emergency Response Commission for the Tribe under whose jurisdiction the facility is located. In the absence of a SERC for a state or an Indian Tribe, the Governor or chief executive officer of the Tribe, respectively, shall be the SERC. Where there is a cooperative agreement between a state and a Tribe, the SERC shall be the entity identified in the agreement.

State means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, any other territory or possession over which the United States has jurisdiction, and Indian Country.

Threshold planning quantity (TPQ) means the quantity listed in the column "threshold planning quantity" for the EHSs listed in Appendix A and B of 40 CFR part 355.

Subpart B—Who Must Comply

§ 370.10 Who must comply with the hazardous chemical reporting requirements of this part?

(a) You must comply with the reporting requirements of this part if the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard (HCS) requires your facility to prepare or have available a Safety Data Sheet (SDS) for a hazardous chemical and if either of the following conditions is met:

Note 1 to paragraph (a) introductory text. OSHA's Material Safety Data Sheet or MSDS requirement was renamed to be the Safety Data Sheet or SDS requirement. The terms MSDS and SDS are synonymous. The EPCRA statutory MSDS requirements will be referred to as the SDS requirements within this regulation. [29 CFR 1910.1200]

(1) A hazardous chemical that is an Extremely Hazardous Substance (EHS) is present at your facility at any one time in an amount equal to or greater than 500 pounds (227 kg—approximately 55 gallons) or the Threshold Planning Quantity (TPQ), whichever is lower. EHSs and their TPQs are listed in Appendices A and B of 40 CFR part 355.

(2) A hazardous chemical that is not an EHS is present at your facility at any one time in an amount equal to or greater than the threshold level for that hazardous chemical. Threshold levels for such hazardous chemicals are:

(i) For any hazardous chemical that does not meet the criteria in paragraph (a)(2)(ii) or (iii) of this section, the

threshold level is 10,000 pounds (or 4,540 kg).

(ii) For gasoline at a retail gas station (For purposes of this part, retail gas station means a retail facility engaged in selling gasoline and/or diesel fuel principally to the public for motor vehicle use on land.), the threshold level is 75,000 gallons (approximately 283,900 liters) (all grades combined). This threshold is only applicable for gasoline that was in tanks entirely underground and that were in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.

(iii) For diesel fuel at a retail gas station (For purposes of this part, retail gas station means a retail facility engaged in selling gasoline and/or diesel fuel principally to the public for motor vehicle use on land.), the threshold level is 100,000 gallons (approximately 378,500 liters) (all grades combined). This threshold is only applicable for diesel fuel that was in tanks entirely underground and that were in compliance at all times during the preceding calendar year with all applicable UST requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.

(b) The threshold level for responding to the following requests is zero.

(1) If your LEPC requests that you submit an SDS for a hazardous chemical for which you have not submitted an SDS to your LEPC; or

(2) If your LEPC, SERC, or the fire department with jurisdiction over your facility requests that you submit Tier II information.

§ 370.11 [Reserved]

§ 370.12 What hazardous chemicals must I report under this part?

(a) You must report any hazardous chemical for which you are required to prepare or have available an SDS under OSHA HCS that is present at your facility equal to or above the applicable threshold specified in § 370.10. (Specific exemptions from reporting are in § 370.13.)

(b) The EPA has not issued a list of hazardous chemicals subject to reporting under this part. A substance is a hazardous chemical if it is required to have an SDS and meets the definition of hazardous chemical under the OSHA regulations found at 29 CFR 1910.1200(c).

§ 370.13 What substances are exempt from these reporting requirements?

You do not have to report substances for which you are not required to have an SDS under the OSHA regulations or that are excluded from the definition of hazardous chemical under EPCRA section 311(e). Each of the following substances are excluded under EPCRA section 311(e):

(a) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

(b) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(c) Any substance to the extent it is used:

(1) For personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as

when it is packaged for use by the general public;

(2) In a research laboratory or hospital or other medical facility under the direct supervision of a technically qualified individual; or

(3) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

§ 370.14 How do I report mixtures containing hazardous chemicals?

(a) For a mixture containing a hazardous chemical, use the following table to determine if a reporting threshold is equaled or exceeded, and to determine how to report:

TABLE 1 TO PARAGRAPH (A)

If your mixture contains a hazardous chemical	To determine if the threshold level for that hazardous chemical is equaled or exceeded you must . . .	If the threshold level for that hazardous chemical is exceeded, then you must . . .
(1) That is an EHS ...	Determine the total quantity of the EHS present throughout your facility at any one time, by adding together the quantities present as a component in all mixtures and all other quantities of the EHS. You must include the quantity present in a mixture even if you are also counting the quantity of that particular mixture toward the threshold level for that mixture.	<i>Report the EHS component:</i> Submit an SDS for the EHS as provided under § 370.30 or include the EHS on the list of chemicals submitted in lieu of the SDS. And submit Tier I or Tier II information for the EHS as provided under § 370.40. Or <i>Report the mixture itself:</i> Submit an SDS for the mixture as provided under § 370.30 or include the mixture on the list of chemicals submitted in lieu of the SDS. And submit Tier I or Tier II information for the mixture as provided under § 370.40. If you report the mixture itself, then provide the total quantity of that mixture.
(2) That is not an EHS.	Determine either: The total quantity of the hazardous chemical present throughout your facility at any one time by adding together the quantity present as a component in all mixtures and all other quantities of the hazardous chemical. You must include the quantity present in a mixture even if you are also applying that particular mixture as a whole toward the threshold level for that mixture. Or The total quantity of that mixture present throughout your facility at any one time.	<i>Report the non-EHS hazardous chemical component:</i> Submit an SDS for the non-EHS hazardous chemical as provided under § 370.30 or include the non-EHS on the list of chemicals submitted in lieu of the SDS. And submit Tier I or Tier II information for the non-EHS hazardous chemical as provided under § 370.40. Or <i>Report the mixture itself:</i> Submit an SDS for the mixture as provided under § 370.30 or include the mixture on the list of chemicals submitted in lieu of SDS. And submit Tier I or Tier II information for the mixture as provided under § 370.40. If you report the mixture itself, then provide the total quantity of that mixture.

(b) For each specific mixture, the reporting option used must be consistent for both SDS and inventory reporting, unless it is not possible to do so. This means that if you report on a specific mixture as a whole for SDS reporting, you must report on that mixture as a whole for inventory reporting too (unless it is not possible). SDS reporting and inventory reporting are discussed in detail in subpart C of this part.

(c) To determine the quantity of an EHS or a non-EHS hazardous chemical

component present in a mixture, multiply the concentration of the hazardous chemical component (in weight percent) by the weight of the mixture (in pounds). You do not have to count a hazardous chemical present in a mixture if the concentration is less than or equal to 1%, or less than or equal to 0.1% for a carcinogenic chemical.

Subpart C—Reporting Requirements**§ 370.20 What are the reporting requirements of this part?**

The reporting requirements of this part consist of SDS reporting and inventory reporting. If you are the owner or operator of a facility subject to the reporting requirements of this part, then you must comply with both types of reporting requirements. SDS reporting requirements are addressed in §§ 370.30 through 370.33. Inventory

reporting requirements are addressed in §§ 370.40 through 370.45.

How To Comply With SDS Reporting

§ 370.30 What information must I provide and what format must I use?

(a) You must report the hazardous chemicals present at your facility that meet or exceed the applicable threshold levels (threshold levels are in § 370.10) by either:

- (1) Submitting an SDS for each hazardous chemical present at your facility that meet or exceed its applicable threshold level; or
- (2) Submitting a list of all hazardous chemicals present at your facility at or above the applicable threshold levels. The hazardous chemicals on your list must be grouped by the specific health and physical hazards as listed in section 2 of the SDSs. The list must contain the chemical or common name of each hazardous chemical as provided on the SDS.

(b) Within 30 days of a request by the LEPC, as provided in § 370.10(b), you must also submit an SDS for any hazardous chemical present at your facility for which you have not submitted an SDS.

§ 370.31 Do I have to update the information?

SDS reporting stated in § 370.30 is a one-time requirement. However, you must update the information in all of the following ways:

(a) Submit a revised SDS after you discover significant new information concerning a hazardous chemical for which an SDS was submitted.

(b) Submit an SDS, or a list as described in § 370.30(a), for any new hazardous chemical for which you become subject to these reporting requirements.

(c) Submit, as requested by the LEPC, an SDS for any hazardous chemical present at your facility which you have not already submitted, as provided in § 370.30(b).

§ 370.32 To whom must I submit the information?

(a) You must submit an SDS or a list to the LEPC, SERC, and fire department with jurisdiction over your facility, as provided in § 370.30(a).

(b) You must submit an SDS to the LEPC if requested, as provided in § 370.30(b).

§ 370.33 When must I submit the information?

(a) You must submit an SDS or a list, as provided in § 370.30(a), for a hazardous chemical subject to the reporting requirements of this part

within three (3) months after you first become subject to the reporting requirements of this part, as provided in §§ 370.30 and 370.31(b).

(b) You must submit a revised SDS, as provided in § 370.31(a), within three (3) months after discovering significant new information about a hazardous chemical for which an SDS was submitted.

(c) You must submit an SDS requested by the LEPC, as provided in §§ 370.30(b) and 370.31(c), within 30 days of receiving the request.

How To Comply With Inventory Reporting

§ 370.40 What information must I provide and what format must I use?

(a) If you are required to comply with the hazardous chemical reporting requirements of this part, then by March 1 every year you must submit inventory information regarding any hazardous chemical present at your facility at any time during the previous calendar year in an amount equal to or in excess of its threshold level. Threshold levels are provided in § 370.10.

(b) Tier I information is the minimum information that you must report to be in compliance with the inventory reporting requirements of this part as described in § 370.41. You may choose to report the Tier II information described in § 370.42 for any hazardous chemical at your facility. You must submit Tier II information to the SERC, LEPC, or fire department with jurisdiction over your facility if they request it. EPA publishes Tier I and Tier II Inventory Forms that provide uniform formats for reporting the Tier I and Tier II information. You may use a state or local format for reporting inventory information if the state or local format contains at least the Tier I information described in § 370.41. EPA's Tier I and Tier II forms are available at <https://www.epa.gov/epcra>.

Note 1 to paragraph (b). Some states require Tier II information annually under state law.

(c) You should contact the SERC to determine that state's requirements for inventory reporting formats, procedures, and to obtain inventory forms.

§ 370.41 What is Tier I inventory information?

Tier I information provides state and local officials and the public with information on the general types and locations of hazardous chemicals present at your facility during the previous calendar year. The Tier I information is the minimum information that you must provide to be

in compliance with the inventory reporting requirements of this part. If you are reporting Tier I information, you must report aggregate information on hazardous chemicals by hazard category. The hazard categories (physical and health hazards) are available on the Tier I form for you to select. The Tier I inventory form includes the following data elements:

(a) The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier I submission is true, accurate, and complete as follows: "I certify under penalty of law that I have personally examined and am familiar with the information and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete." This certification shall be accompanied by your full name, official title, signature, date signed, and total number of pages in the submission including all attachments. All other pages must also contain your signature or signature stamp, the date you signed the certification, and the total number of pages in the submission.

Note 1 to paragraph (a). Some states require electronic reporting and electronic certification. Contact your state for its specific requirements.

(b) The calendar year for the reporting period.

(c) An indication whether the information being reported on page one of the form is identical to that submitted last year.

(d) The complete name and address of the location of your facility (include the full street address or state road, city, county, state, and zip code), latitude, and longitude.

(e) An indication if the location of your facility is manned or unmanned.

(f) An estimate of the maximum number of occupants present at any one time. If the location of your facility is unmanned, check the box marked N/A, not applicable.

(g) The phone number of your facility (optional).

(h) The North American Industry Classification System (NAICS) code for your facility.

(i) The Dun & Bradstreet number of your facility.

(j) Facility identification numbers assigned under the Toxic Release Inventory (TRI) and Risk Management Program. If your facility has not been assigned an identification number under these programs or if your facility is not subject to reporting under these

programs, check the box marked N/A, not applicable.

(k) An indication whether your facility is subject to the emergency planning notification requirement under EPCRA section 302, codified in 40 CFR part 355.

(l) An indication whether your facility is subject to the chemical accident prevention requirements under Section 112(r) of the Clean Air Act, codified in 40 CFR part 68, also known as the Risk Management Program.

(m) The name, mailing address, phone number, and email address of the owner or operator of the facility.

(n) The name, mailing address, phone number, Dun & Bradstreet number, and email address of the facility's parent company. These are optional data elements.

(o) The name, title, phone number, 24-hour phone number, and email address of the facility emergency coordinator, if applicable.

Note 1 to paragraph (o). EPCRA section 303(d)(1) requires facilities subject to the emergency planning notification requirement under EPCRA section 302 to designate a facility representative who will participate in the local emergency planning process as a facility emergency coordinator. This includes additional facilities designated by the Governor or SERC under EPCRA section 302(b)(2). EPA encourages facilities not subject to the emergency planning notification requirement also to provide this information, if available, for effective emergency planning in your community.

(p) The name, title, phone number, and email address of the person to contact for the information contained in the Tier I form.

(q) The name, title, phone number, and email address of at least one local individual who can act as a referral if emergency responders need assistance in responding to a chemical accident at your facility. You must also provide an emergency phone number that will be available 24 hours a day, every day.

(r) An indication whether the information being reported on page two of the form is identical to that submitted last year.

(s) An estimate (in ranges) of the maximum amount of hazardous chemicals in each hazard category present at your facility at any time during the preceding calendar year. You must use codes that correspond to different ranges. The range codes are provided in § 370.43.

(t) An estimate (in ranges) of the average daily amount of hazardous chemicals in each hazard category present at your facility during the preceding calendar year. You must use codes that correspond to different

ranges. The range codes are provided in § 370.43.

(u) The maximum number of days that any single hazardous chemical within each hazard category was present at your facility during the reporting period.

(v) The general location of hazardous chemicals in each hazard category within your facility. General locations should include the names or identification of buildings, tank fields, lots, sheds, or other such areas. You may also attach one or more of the following with your Tier I inventory form:

(1) A site plan with site indicated for buildings, lots, areas, etc. throughout your facility.

(2) A list of site coordinate abbreviations that correspond to buildings, lots, areas, etc., throughout your facility.

(3) A description of dikes and other safeguard measures for storage locations throughout your facility.

(w) An indication whether you are including any attachments (optional).

§ 370.42 What is Tier II inventory information?

Tier II information provides state and local officials and the public with specific information on the amounts and locations of hazardous chemicals present at your facility during the previous calendar year. Some states may require you to use a state reporting format including electronic reporting and certification for submitting your hazardous chemical inventory. Contact your state for its specific requirements. The Tier II inventory form includes the following data elements:

(a) The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier II submission is true, accurate, and complete as follows: "I certify under penalty of law that I have personally examined and am familiar with the information and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete." This certification must be accompanied by your full name, official title, signature, date signed, and total number of pages in the submission including all Confidential and Non-Confidential Information Sheets and all attachments. All other pages must also contain your signature or signature stamp, the date you signed the certification, and the total number of pages in the submission.

Note 1 to paragraph (a). Some states require electronic reporting and electronic

certification. Contact your state for the specific requirements in that state.

(b) The calendar year of the reporting period.

(c) An indication whether the information being reported on page one of the form is identical to that submitted last year.

(d) The complete name and address of the location of your facility (include the full street address or state road, city, county, state, and zip code), latitude, and longitude.

(e) An indication if the location of your facility is manned or unmanned.

(f) An estimate of the maximum number of occupants present at any one time. If the location of your facility is unmanned, check the box marked N/A, not applicable.

(g) The phone number of your facility (optional).

(h) The North American Industry Classification System (NAICS) code for your facility.

(i) The Dun & Bradstreet number of your facility.

(j) Facility identification numbers assigned under the Toxic Release Inventory (TRI) and Risk Management Program. If your facility has not been assigned an identification number under these programs or if your facility is not subject to reporting under these programs, check the box marked N/A, not applicable.

(k) An indication if your facility is subject to the emergency planning notification requirement under section 302 of EPCRA, codified in 40 CFR part 355.

(l) An indication whether your facility is subject to the chemical accident prevention requirements under section 112(r) of the Clean Air Act (CAA), codified in 40 CFR part 68, Chemical Accident Prevention Provisions, also known as the Risk Management Program.

(m) The name, mailing address, phone number, and email address of the owner or operator of the facility.

(n) The name, mailing address, phone number, Dun & Bradstreet number, and email address of the facility's parent company. These are optional data elements.

(o) The name, title, phone number, 24-hour phone number, and email address of the facility emergency coordinator, if applicable.

Note 1 to paragraph (o). EPCRA section 303(d)(1) requires facilities subject to the emergency planning notification requirement (including additional facilities designated by the Governor or SERC under EPCRA section 302(b)(2)) to designate a facility representative who will participate in the local emergency planning process as a

facility emergency coordinator. This includes additional facilities designated by the Governor or SERC under EPCRA section 302(b)(2). EPA encourages facilities not subject to the emergency planning notification requirement also to provide this information, if available, for effective emergency planning in your community.

(p) The name, title, phone number, and email address of the person to contact regarding information contained in the Tier II form.

(q) The name, title, phone number and email address of at least one local individual who can act as a referral if emergency responders need assistance in responding to a chemical accident at your facility. You must also provide an emergency phone number that will be available 24 hours a day, every day.

(r) An indication whether the information being reported on page two of the form is identical to that submitted last year.

(s) For each hazardous chemical that you are required to report, you must:

(1) Provide the chemical name (or the common name of the chemical) as provided on the SDS and provide the Chemical Abstract Service (CAS) registry number of the chemical provided on the SDS.

Note 1 to paragraph (s)(1). If you are withholding the name in accordance with trade secret criteria, you must provide the generic class or category that is structurally descriptive of the chemical and indicate that the name is withheld because of trade secrecy. Trade secret criteria are addressed in § 370.64(a).

(2) Indicate whether the chemical is a solid, liquid, or gas; and whether the chemical is an EHS.

(3) If you are reporting a mixture, enter the mixture name, product name or trade name, and CAS registry number as provided on the SDS. If there is no CAS number provided or it is not known, check the box "Not Available."

(4) If the mixture you are reporting contains EHS(s), provide the name of each EHS in the mixture. As provided in § 370.14(a), you also have an option to report the non-EHS hazardous components in the mixture.

(5) Indicate which hazard categories apply to the chemical or mixture. The hazard categories are available for you to select on the Tier II form and found in section 2 of the SDSs.

(6) Provide an estimate (in ranges) of the maximum amount of the hazardous chemical present at your facility on any single day during the preceding calendar year. If you are reporting a mixture, provide an estimate of the total amount of the mixture present at your facility on any single day during the preceding calendar year. If the mixture

contains any EHSs, provide the total amount of each EHS in that mixture. You must use the codes that correspond to different ranges. The amounts and associated range codes are in § 370.43.

(7) Provide an estimate (in ranges) of the average daily amount of the hazardous chemical present at your facility during the preceding calendar year. If you are reporting a mixture, provide an estimate of the average daily amount of the mixture. You must use the codes that correspond to different ranges. The amounts and associated range codes are in § 370.43.

(8) Provide the maximum number of days that the hazardous chemical or mixture was present at your facility during the preceding calendar year.

(9) Provide the type of storage for the hazardous chemical or the mixture containing the hazardous chemical at your facility. Examples of types of storage: above-ground tank, plastic or non-metallic drum, steel drum, cylinder, rail car, etc.

Note 1 to paragraph (s)(9). Your SERC or LEPC may have specific instructions for reporting types of storage and/or storage conditions.

(10) Provide the storage conditions for the hazardous chemical or mixture containing the hazardous chemical at your facility. Examples for types of storage conditions: Ambient pressure, ambient temperature, less than ambient temperature/pressure, cryogenic conditions, etc.

Note 2 to paragraph (s)(10). Your SERC or LEPC may have specific instructions for reporting types of storage and/or storage conditions.

(11) Provide a brief description of the precise location(s) of the hazardous chemical(s) or mixture(s) at your facility. You may also attach one of the following with your Tier II inventory form:

(i) A site plan with site coordinates indicated for buildings, lots, areas, etc. throughout your facility.

(ii) A list of site coordinate abbreviations that correspond to buildings, lots, areas, etc., throughout your facility.

(iii) A description of dikes and other safeguard measures for storage locations throughout your facility.

(12) Under EPCRA section 324, you may choose to withhold from disclosure to the public the location information for a specific chemical. If you choose to withhold the location information from disclosure to the public, you must clearly indicate that the information is "confidential." You must provide the confidential location information on a separate sheet from the other Tier II

information (which will be disclosed to the public) and attach the Confidential Location Information Sheet to the other Tier II information. Indicate any attachments you are including.

(13) You may provide additional reporting. For example, if your state or local agencies require you to provide inventory information on additional chemicals or if you wish to report any hazardous chemical below the reporting thresholds specified in § 370.10, check the appropriate box.

(t) An indication whether you are including any attachments (optional).

§ 370.43 What codes are used to report Tier I and Tier II inventory information?

(a) Except as provided in paragraph (b) of this section, you must use the following codes to report the maximum amount and average daily amount when reporting Tier I or Tier II inventory information:

Range codes	Weight range in pounds	
	From	To
01	0	99
02	100	499
03	500	999
04	1,000	4,999
05	5,000	9,999
06	10,000	24,999
07	25,000	49,999
08	50,000	74,999
09	75,000	99,999
10	100,000	499,999
11	500,000	999,999
12	1,000,000	9,999,999
13	10,000,000	(*)

* Greater than 10 million

Note 1 to paragraph (a). To convert gas or liquid volume to weight in pounds, multiply by an appropriate density factor.

(b) Your SERC or LEPC may provide other range codes for reporting maximum amount and average daily amount or may require reporting of specific amounts. You may use your SERC's or LEPC's range codes (or specific amounts) provided the ranges are not broader than the ranges in paragraph (a) of this section.

§ 370.44 To whom must I submit the inventory information?

You must submit the required inventory information to your SERC, LEPC, and the fire department with jurisdiction over your facility.

§ 370.45 When must I submit the inventory information?

(a) You must submit the required inventory information on or before March 1st of each year after your facility

becomes subject to this part. Your submission must contain the required inventory information on hazardous chemicals present at your facility during the preceding calendar year at or above the threshold levels. Threshold levels are in § 370.10. The minimum required inventory information under EPCRA section 312 is Tier I information. Tier I information requirements are described in § 370.41.

(b) You must submit Tier II information within 30 days of the receipt of a request from the SERC, LEPC, or fire department with jurisdiction over your facility, as provided in § 370.10(b). Tier II information requirements are described in § 370.42.

Subpart D—Community Access to Information

§ 370.60 How does a person obtain SDS information about a specific facility?

Any person may obtain an SDS for a specific facility by writing to the LEPC and asking for it.

(a) If the LEPC has the SDS it must provide it to the person making the request.

(b) If the LEPC does not have the SDS it must request it from the facility's owner or operator.

§ 370.61 How does a person obtain inventory information about a specific facility?

(a) Any person may request Tier II information for a specific facility by writing to the SERC or LEPC.

(1) If the SERC or LEPC has the Tier II information, the SERC or LEPC must provide it to the person making the request.

(2) If the SERC or LEPC does not have the Tier II information, it must request it from the facility owner or operator in either of the following cases:

(i) The person making the request is a state or local official acting in an official capacity.

(ii) The request is for hazardous chemicals in amounts greater than 10,000 pounds stored at the facility at any time during the previous calendar year.

(3) If the SERC or LEPC does not have the Tier II information, it may request it from the facility owner or operator when neither condition in paragraph (a)(2) of this section is met but the person's request includes a general statement of need.

(b) A SERC or LEPC must respond to a request for Tier II information under this section within 45 days of receiving such a request.

§ 370.62 What information may a state or local official request from a facility?

The LEPC may ask a facility owner or operator to submit an SDS for a hazardous chemical present at the facility. The SERC, LEPC, or fire department with jurisdiction over a facility may ask a facility owner or operator to submit Tier II information. The owner or operator must provide the SDS (unless the owner or operator has already submitted an SDS to the LEPC for that hazardous chemical) or Tier II information within 30 days of receipt of such request.

§ 370.63 What responsibilities do the SERC and LEPC have to make request information available?

Under this subpart, the SERC or LEPC must make the following information (except for confidential location information discussed in § 370.64(b)) available if a person requests it:

(a) All information obtained from an owner or operator in response to a request under this subpart.

(b) Any requested Tier II information or SDS otherwise in possession of the SERC or the LEPC.

§ 370.64 What information can I claim as trade secret or confidential?

(a) *Trade secrets.* You may be able to withhold the name of a specific chemical when submitting SDS reporting or inventory reporting information if that chemical name is claimed as a trade secret. The requirements for withholding trade secret information are set forth in EPCRA section 322 and implemented in 40 CFR part 350. If you are withholding the name of a specific chemical as a trade secret in accordance with trade secrecy requirements, you must report the generic class or category that is structurally descriptive of the chemical along with all other required information. You must also submit the withheld information to EPA and must adequately substantiate your claim. A Form for substantiating trade secret claims is available at the Agency website at <https://www.epa.gov/epcra>.

(b) *Confidential location information.* You may request that the SERC and LEPC not disclose to the public the location of any specific chemical required to be submitted in Tier II information. If you make such a request, the SERC and LEPC must not disclose the location of the specific chemical. Although you may request that location information (with respect to a specific chemical) be withheld from the public, you may not withhold this information from the SERC, LEPC, and the local fire department. If you use the Tier II Form

to report your inventory information, you can choose to report the confidential location information for the specific chemical on the Tier II Confidential Location Form and attach this form to the other Tier II information you are reporting. The Tier II Confidential Location Form is available on the Agency website at <https://www.epa.gov/epcra>.

§ 370.65 Must I allow the local fire department to inspect my facility, and must I provide specific location information about hazardous chemicals at my facility?

If you are the owner or operator of a facility that has submitted inventory information under this part, you must comply with the following two requirements upon request by the fire department with jurisdiction over your facility:

(a) You must allow the fire department to conduct an on-site inspection of your facility; and

(b) You must provide the fire department with information about the specific locations of hazardous chemicals at your facility.

§ 370.66 [Reserved]

[FR Doc. 2025–19921 Filed 11–14–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 250512–0084; RTID 0648–XF028]

Fisheries Off West Coast States; Modification of the West Coast Salmon Fisheries; Inseason Actions #6–#8

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

ACTION: Inseason modification of 2025–2026 management measures.

SUMMARY: NMFS announces three inseason actions for the 2025 portion of the 2025–2026 ocean salmon fisheries. These inseason actions modify the commercial salmon fisheries in the area from the United States/Canada border to Cape Falcon, Oregon and the recreational salmon fisheries in the area from the Oregon/California border to the U.S./Mexico border.

DATES: The effective dates for these inseason actions are set out in this document under the heading “Inseason Actions” and the actions remain in effect until superseded or modified.

FOR FURTHER INFORMATION CONTACT:

Anna Heeter, (971) 361-8895, Anna.Heeter@noaa.gov, or Shannon Penna, (562) 980-4239, Shannon.Penna@noaa.gov.

SUPPLEMENTARY INFORMATION:**Background**

The annual management measures for the 2025–2026 ocean salmon fisheries (90 FR 20810, May 16, 2025; 90 FR 26943, June 25, 2025) govern the commercial and recreational fisheries in the area from the United States/Canada border to the United States/Mexico border, effective from 0001 hours Pacific Daylight Time (PDT), May 16, 2025, until the effective date of the 2026–2027 management measures, as published in the **Federal Register**. NMFS is authorized to implement inseason management actions to modify fishing seasons, catch limits, and quotas as necessary to provide fishing opportunities while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Chairman of the Pacific Fishery Management Council (Council), and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions).

Management of the salmon fisheries is divided into two geographic areas: north of Cape Falcon (NOF) (United States/Canada border to Cape Falcon, OR) and south of Cape Falcon (SOF) (Cape Falcon, OR, to the United States/Mexico border). These actions affected the NOF commercial salmon fishery and the SOF recreational salmon fishery, as set out under the heading Inseason Actions below.

Consultation with the Council Chairman and representatives for the appropriate State Directors on these inseason actions occurred on June 23, 2025. This consultation included representatives from NMFS, Council staff, California Department of Fish and Wildlife (CDFW), Oregon Department of Fish and Wildlife, and Washington Department of Fish and Wildlife (WDFW). Representatives from the Salmon Advisory Subpanel and the Salmon Technical Team (STT) were also present.

These inseason actions were announced on NMFS' telephone hotline and U.S. Coast Guard radio broadcast when the actions became effective (50 CFR 660.411(a)(2)).

Inseason Actions*Inseason Action #6*

Description of the action: Inseason action #6 modifies the recreational ocean salmon fishery from the OR/CA border to the United States/Mexico border. Subareas in the recreational ocean salmon fishery between the OR/CA border to the United States/Mexico Border previously scheduled for July 5, 2025 through July 6, 2025; July 31, 2025 through August 3, 2025; and August 25, 2025 through August 31, 2025 are closed.

Effective dates: Inseason action #6 took effect at 12:01 a.m. on July 5, 2025, and remains in effect for the remainder of the summer season.

Reason and authorization for the action: The 2025 California recreational ocean salmon season was structured under a 7,000 Chinook salmon statewide harvest guideline applicable to the June through August season dates. Some subareas in the fishery opened June 7, 2025 and June 8, 2025 and if the harvest guideline was not met, were scheduled to continue for July 5, 2025 through July 6, 2025; July 31, 2025 through August 3, 2025; and August 25, 2025 through August 31, 2025. CDFW estimates that 9,165 Chinook salmon were taken statewide by 10,505 anglers aboard both charter vessels and private skiffs, exceeding the summer fishery harvest guideline of 7,000 Chinook salmon. Therefore, CDFW recommended closure of the remaining July, 2025 and August, 2025 season dates previously scheduled if there were fish remaining in the 7,000 Chinook salmon summer harvest guideline and NMFS concurred and implemented the closure.

The Regional Administrator (RA) considered the 2025 abundance forecasts for Chinook salmon stocks, the timing of the action relative to the length of the season, catch and effort to date, and other relevant factors and determined that the inseason action described above is necessary to meet management and conservation goals set preseason. This inseason action modifies quotas and/or fishing seasons under 50 CFR 660.409(b)(1)(i).

Inseason Action #7

Description of the action: Inseason action #7 modifies the commercial salmon troll fishery in the area north of Cape Falcon. This action opened the commercial salmon troll fishery in the area between the United States/Canada border and Cape Falcon, OR until 11:59 p.m. on June 29, 2025, and set the Chinook salmon landing and possession limit for the entire area, regardless of

subarea, at 10 Chinook salmon per vessel for the entire open period.

Effective dates: Inseason action #7 took effect at 4:00 p.m. on June 23, 2025, and remained in effect until 11:59 p.m. on June 29, 2025.

Reason and authorization for the action: After assessing available quota after the landing week of June 12, 2025 through June 18, 2025, WDFW recommended re-opening the spring season after the initial closure under the quota for the spring season to give vessels an opportunity to access the remaining quota, NMFS concurred and implemented this inseason. The very limited amount of quota remaining required a low landing and possession limit. Effort was expected to be low until the end of the spring season as many industry members had indicated they had concluded fishing for the spring season and a vessel limit of 10 Chinook salmon would not be economically viable for some vessels to participate. Due to this projected drop in effort, NMFS determined that the fishery could re-open for the remaining days without exceeding the remaining limited amount of quota.

The RA considered the 2025 abundance forecasts for Chinook salmon stocks, the timing of the action relative to the length of the season, catch and effort to date, projected catch and effort under the proposed action relative to the remaining quota, and other relevant factors and determined that the inseason action described above is necessary to meet management and conservation goals set preseason. This inseason action modifies quotas and/or fishing seasons as well as species caught and landed during specific seasons and the establishment or modification of limited retention regulations under 50 CFR 660.409(b)(1)(i) and (ii).

Inseason Action #8

Description of the action: Inseason action #8 modified the landing and possession limit for the commercial salmon troll fishery across the entire north of Cape Falcon area, regardless of subarea, from the United States/Canada border to Cape Falcon, OR.

Effective dates: Inseason action #8 took effect for the following areas and dates, and will remain in effect until stated or superseded.

- Effective at 12:01 a.m. on July 1, 2025, until 11:59 p.m. on July 9, 2025, for the commercial salmon troll fishery in the area between the United States/Canada border to Cape Falcon, OR, the landing and possession limit was set to 60 Chinook salmon per vessel per vessel per landing week (Thursday–Wednesday).

- Effective at 12:01 a.m. on July 10, 2025, until superseded for the commercial salmon troll fishery in the area between the United States/Canada border to Cape Falcon, OR, the landing and possession limit was modified from 60 Chinook salmon to 50 Chinook salmon per vessel per landing week (Thursday–Wednesday).

Reason and authorization for the action: In the 2025 annual management measures, for the July through September fishery, there are no set landing and possession limits for Chinook salmon for this area. Given the high participation by the troll fleet and the high catch rates observed for much of the spring season, it was deemed prudent to establish a landing and possession limit for the summer season in order to preserve the quota for the length of the season and meet conservation goals. NMFS took the high effort and catch rates seen during the spring season into account when setting these landing limits and the summer season began with a 60 Chinook salmon landing a possession limit for the first week (July 1, 2025 through July 9, 2025). area. To meet season length objectives and preserve later fishing opportunity, the limit was reduced to a 50 Chinook landing and possession limit for the following week (starting July 10, 2025).

The RA considered the 2025 abundance forecasts for Chinook salmon stocks, the timing of the action relative to the length of the season, catch and effort to date, projected catch and effort under the proposed action, and other relevant factors like weather, and determined that the inseason action described above is necessary to meet management and conservation goals set preseason. This inseason action modifies species caught and landed during specific seasons and the establishment or modification of limited

retention regulations under 50 CFR 660.409(b)(1)(ii).

All other restrictions and regulations remain in effect as announced for the 2025–2026 ocean salmon fisheries (90 FR 20810, May 16, 2025; 90 FR 26943, June 25, 2025) except as previously modified by inseason actions.

As provided by the inseason notice procedures at 50 CFR 660.411, actual notice of the described regulatory actions was given, prior to the time the actions became effective, by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

Classification

NMFS issues these actions pursuant to section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). These actions are authorized by 50 CFR 660.409, which was issued pursuant to section 304(b) of the MSA, and are exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. Prior notice and opportunity for public comment on this action was impracticable because NMFS had insufficient time to provide for prior notice and the opportunity for public comment between the time Chinook and coho salmon abundance, catch, and effort information were developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fishing opportunity consistent with conservation needs and management objectives is made available, and/or fisheries are managed consistent with quotas and conservation objectives. There is a heightened need to

respond quickly to inseason information about the salmon fishery because fish migrate quickly through the EEZ and the mix of stocks in the EEZ shifts throughout the season, thus the time available between the time new information about the fishery becomes available and the opportunity to act effectively on that information exists is short. By the time public notice and comment would be completed, the mix of stocks in the fishery would have changed such that inseason action would be ineffective and potentially harmful. Therefore, NMFS determined waiving notice and comment in order to respond to updated information indicating immediate action to provide fishing opportunity consistent with quotas and conservation objectives, or to avoid exceeding quotas, served the public interest. As previously noted, actual notice of the regulatory action was provided to fishers through telephone hotlines and radio notifications. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (90 FR 20810, May 16, 2025), the Pacific Salmon Fishery Management Plan (FMP), and regulations implementing the FMP under 50 CFR 660.409 and 660.411.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date, as a delay in effectiveness of this action would allow fishing at levels inconsistent with the goals of the FMP and the current management measures.

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

Dated: November 13, 2025.

Kelly Denit,

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

[FR Doc. 2025–20016 Filed 11–14–25; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 90, No. 219

Monday, November 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 ENERGY

Office of Nuclear Energy

10 CFR Part 821

[DOE-HQ-2025-0175]

Implementing Voluntary Agreements Under the Defense Production Act

AGENCY: Office of Nuclear Energy, U.S. Department of Energy (DOE).

ACTION: Notice of availability; request for comment.

SUMMARY: On October 23, 2025, the Department of Energy held a public meeting to discuss the development of voluntary agreements and plans of action under the Defense Production Act. As part of that meeting, a draft voluntary agreement was released to the accompanying docket. This notice reproduces the draft agreement in full and solicits comment on that agreement.

DATES: Comments on the draft agreement are due by November 24, 2025.

FOR FURTHER INFORMATION CONTACT: Ms. Sarah McPhee Charrez, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: (202) 587-1092. Email: dpaconsortium@nuclear.energy.gov.

SUPPLEMENTARY INFORMATION:

Authority and Background

On August 25, 2025, the Department of Energy (“DOE”) published an interim final rule to codify procedures for implementing voluntary agreements pursuant to section 708 of the Defense Production Act of 1950 (“DPA”), Public Law 81-774 (Sept. 8, 1950) (codified at 50 U.S.C. 4558). See 90 FR 41279. As explained in that notice, DOE has codified its procedures consistent with recent Executive orders related to nuclear energy and a Presidential declaration of a national energy emergency. See Executive Order (“E.O.”) 14302 (Reinvigorating the Nuclear Industrial Base), 90 FR 22595 (May 29, 2025) and E.O. 14156

(Declaring a National Energy Emergency), 90 FR 8433 (Jan. 29, 2025). Consistent with the DPA’s provisions and DOE’s related rule, DOE held a public meeting on October 23, 2025, to discuss the development of voluntary agreements and plans of action pursuant to section 708 of the DPA. See 90 FR 48268 (Oct. 15, 2025). At that meeting, among other things, DOE presented for discussion a draft voluntary agreement that sets out the broad framework that would be followed with respect to furthering the goals of E.O. 14302. This document reproduces that draft agreement, which was also placed in the public docket and made available for public comment to coincide with the October 23rd meeting, and solicits comment on draft agreement’s contents.

Signing Authority

This document of the Department of Energy was signed on November 7, 2025, by Theodore Garrish, Assistant Secretary for Nuclear Energy, pursuant to delegated authority from the Secretary of Energy. The document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on November 13, 2025.

Treena V. Garrett,

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

Set forth below is the full text of the draft voluntary agreement.

DOE DPA Nuclear Fuel Cycle Consortium Voluntary Agreement Under Section 708 of the Defense Production Act

I. Preface

This Voluntary Agreement (“Agreement”) is entered into pursuant to Section 708 of the Defense Production Act (DPA) of 1950, as amended (50 U.S.C. 4558), and under the authority and supervision of the United States Department of Energy (DOE), Office of Nuclear Energy, after

consultation with the Attorney General of the United States (Attorney General) and the Chairman of the Federal Trade Commission (FTC). This Agreement is established in furtherance of the goals set forth in Executive Order (E.O.) 14302, “Reinvigorating the Nuclear Industrial Base,” signed May 23, 2025, directing DOE to develop and maintain a resilient, secure, and sustainable nuclear fuel supply chain, from mining through waste management, for purposes of national security and energy independence. The activities contemplated by this Agreement are limited to those necessary to strengthen the domestic nuclear industry, at the sole determination of DOE, the Department of Justice (DOJ), and the FTC.

This Agreement affords Participants a defense to any civil or criminal action brought under the Federal antitrust laws (or any similar laws of any State) with respect to any action taken to develop or carry out any Agreement or Plan of Action (POA) consistent with the provisions under 50 U.S.C. 4558(j). This Agreement is intended to foster a close working relationship between DOE and the Participants, under the supervision of the DOJ and FTC. When implemented through a POA, this Agreement affords Participants a safe harbor to exchange information, collaborate and adjust commercial operations as to particular products and services, as DOE determines it necessary to address the national energy emergency declared on January 20, 2025, through E.O. 14156, “Declaring a National Energy Emergency.”

II. Scope

This Agreement between DOE and Participants shall apply to all activities across the full nuclear fuel cycle, including, but not limited to:

1. Uranium mining and milling
2. Uranium conversion
3. Uranium deconversion
4. Uranium enrichment
5. Fuel fabrication
6. Spent nuclear fuel recycling and reprocessing
7. End-users

This Agreement covers coordination, strategic planning, data sharing, and collaboration necessary to support DOE’s mission to ensure domestic capability and resilience in each stage of the nuclear fuel cycle.

III. Authorities

Section 708, Defense Production Act (50 U.S.C. 4558); Section 161, Atomic Energy Act (42 U.S.C. 2201); Section 123, Atomic Energy Act (42 U.S.C. 2153); Section 124, Atomic Energy Act (42 U.S.C. 2154); Executive Order (E.O.) 14156 Declaring a National Energy Emergency; E.O. 14302, 90 FR 22595. Pursuant to DPA section 708(f)(1)(A), the Assistant Secretary for Nuclear Energy certifies that this Agreement is necessary for the national defense.

IV. General Provisions

A. Definitions

1. Agreement—The Voluntary Agreement. Participants who have been invited to join and agreed to the terms of this Agreement as described in Section VII below may join the DOE DPA Nuclear Fuel Cycle Consortium.

2. Attendees—Subject matter experts (SME), invited by the Chairperson to attend meetings authorized under this Agreement, to provide technical advice or to represent other Government agencies or interested parties. Attendees are not Members of the Committee.

3. Chairperson—The Assistant Secretary for Nuclear Energy, as delegated by the Secretary of Energy, to chair the DOE DPA Nuclear Fuel Cycle Consortium. The Chairperson (or “Chair”) shall be responsible for the overall management and administration of the Committee, this Agreement, and Plans of Action developed under this Agreement while remaining under the supervision of the Secretary; may create Committees, determine policies, recommend actions, and make decisions necessary to carry out this Agreement; may delegate these tasks to the Principal Deputy Assistant Secretary for Nuclear Energy; and otherwise shall carry out all duties and responsibilities assigned to them. The Chairperson shall be assisted and represented by a Vice-Chairperson (or “Vice-Chair”), the Deputy Assistant Secretary for Nuclear Fuel Cycle.

4. Committee—A forum to maximize the effectiveness of DOE and industry participants to respond to E.O. 14156 (Declaring a National Energy Emergency) through integrated coordination, planning, and identification and development of Plans of Action needed to enable the continued reliable operation of the Nation’s existing, and future, nuclear reactors, including making recommendations on the creation of a Plan of Action.

5. Consortium—The DOE DPA Nuclear Fuel Cycle Consortium established under this Agreement.

6. Documents—Any information, on paper or in electronic format, including written, recorded, and graphic materials of every kind, in the possession, custody, or control of the Participant.

7. Members—Collectively the Chairperson, Representatives, and Participants of the Committee. Jointly responsible for developing all decisions necessary to carry out this Agreement and to develop and execute Plans of Action under this Agreement.

8. Nuclear Fuel Cycle—The various activities associated with inputs to the production of electricity from nuclear reactions, starting with the mining of uranium and ending with the disposal of nuclear waste. With the reprocessing of used fuel as an option for nuclear energy, the stages form a true cycle.

9. Participant—Any domestic private-sector company, regardless of the location of the ultimate business owner, that has substantive capabilities, resources or expertise to carry out the purpose of this Agreement, that has been specifically invited to participate in this Agreement by the Chairperson, and that has applied and agreed to the terms of this Agreement in Section VII below. “Participant” includes a corporate entity entering into this Agreement and all subsidiaries and affiliates of that entity in which that entity has 50 percent or more control either by stock ownership, board majority, or otherwise. The Chairperson may invite Participants to join this Agreement at any time during its effective period.

10. Plan of Action—A documented method, pursuant to 50 U.S.C. 4558(b)(2), proposed by DOE and adopted by invited Participants, to implement this Agreement, through a Committee focused on a particular aspect of the Nuclear Fuel Cycle or functional area necessary for the national defense.

11. Representatives—The representatives the Chairperson or Vice-Chairperson identifies and invites to the Consortium from DOE and other Federal agencies with equities in this Agreement, and empowered to speak on behalf of their agencies’ interests. The Attorney General and the Chairman of the FTC, or their delegates, may also attend any meeting as a Representative.

12. Steering Committee—Senior officials from DOE and representatives from industry to guide priorities and provide feedback on activities.

13. Sub-Committee—A group formed by a Committee from select Participants to further implement a Plan of Action.

B. Governance Structure

1. Chairperson—Assistant Secretary for Nuclear Energy, as delegated by the Secretary of Energy. Chairs the consortium and ensures compliance.

2. Vice-Chairperson—Deputy Assistant Secretary for Nuclear Fuel Cycle, as delegated by the Assistant Secretary for Nuclear Energy. Performs deputized tasks as appropriate for the Chairperson.

3. Convening Chair—DOE official tasked with supporting the regular operations of a Committee (may also be referred to as “Committee Chair”).

4. Steering Committee—Senior representatives from DOE, NNSA, DOJ, FTC, and industry to guide priorities, along with representatives from other federal agencies as appropriate. Members include the Deputy Assistant Secretaries for Nuclear Reactors and High Level Waste and Disposition. Industry representation will include one representative from invited trade organizations.

5. Committees—Organized by fuel cycle stage; each develops POAs. Example: Mining Committee, Conversion Committee, Enrichment Committee, Fabrication Committee, etc.

6. Secretariat—Ensures the maintenance of records, agendas, and minutes, coordinates activities as appropriate.

V. Committee Participation

The Committees established under this Agreement will consist of the (1) a DOE official, (2) Representatives from NNSA, DOJ, FTC and other Federal agencies with equities in this Agreement, and (3) Participants that have substantive capabilities, resources or expertise to carry out the purpose of this Agreement. Other Attendees, invited by the Convening Chair as SMEs to provide technical advice or to represent the interests of other Government agencies or interested parties, may also participate in Committee meetings. Collectively, the Convening Chair, Representatives and Participants will serve as Members of the Committee. Public notice will be provided as each Participant joins or withdraws from this Agreement. The list of Participants will be published annually in the **Federal Register**.

Effective Dates and Duration of Participation

This Agreement is effective immediately upon the signature of the Participant or their authorized designees. This Agreement shall remain in effect until terminated in accordance with 10 CFR 821.5, or in any case, it

shall be effective no more than five (5) years from the date the requirements of DPA section 708(f)(1) are satisfied as to the initial Voluntary Agreement regarding the development and maintenance of a resilient, secure, and sustainable nuclear fuel supply chain, from mining through waste management, for purposes of national security and energy independence, unless otherwise terminated pursuant to DPA section 708(h)(9) and 10 CFR 821.5 or extended as set forth in DPA section 708(f)(2). No action may take place under this Agreement until it is activated, as described below.

Withdrawal

Participants may withdraw from this Agreement at any point, subject to the fulfillment of obligations incurred under this Agreement prior to the date this agreement is terminated with regard to such Participant, by giving written notice to the Chairperson at least fifteen (15) calendar days prior to the effective date of that Participant's withdrawal. Following receipt of such notice, the Chairperson will inform the other Participants of the date of the withdrawal.

Upon the effective date of the withdrawal, the Participant must cease all activities under this Agreement.

Removal

Committee Members shall actively participate in designated working groups, providing subject matter expertise, data, and/or other resources as defined in their company's approved capability statement (see Appendix 2). Failure to meet participation requirements, defined as no less than 75% of scheduled meetings and timely submission of accepted deliverables, may result in suspension of membership privileges, including loss of voting rights and removal from the Committee. Participants may be removed from this Agreement at any point if not actively participating in at least one Committee.

If such a determination is made, the Participant will receive written notice from the Chairperson at least fifteen (15) calendar days prior to the effective date of that Participant's removal, during which time the Participant may appeal the removal in writing. Following receipt of such notice, the Chairperson will inform the other Participants of the date of the removal.

Upon the effective date of the removal, the Participant must cease all activities under this Agreement.

Plan of Action Activation and Deactivation

The Chairperson may authorize a POA and Committee for one or more specific workstreams, e.g., a fuel fabrication plan of action, or a conversion plan of action, or a mining & milling plan of action. The Chairperson will invite a select group of Participants who are representative of the segment of the industry for which the POA is intended to participate on the Committee. The POA will be activated for each invited Participant when the Participant executes a POA Agreement. Actions taken by Participants to develop a POA and actions taken after executing a POA Agreement to collectively coordinate, plan and collaborate, pursuant to that POA and as directed and supervised by DOE, will constitute action taken to develop and carry out this Agreement pursuant to 50 U.S.C. 4558(j).

Committees will meet only for the purposes specified in this Agreement and as provided for in writing by the Chairperson. They will report directly to the Committee regarding all actions taken by them, and any POA adopted by a Committee must be approved first by the Chairperson. A POA may not become effective unless and until the Attorney General (after consultation with the Chairman of the FTC) finds, in writing, that such purpose(s) of the POA may not reasonably be achieved through a POA having less anticompetitive effects or without any POA and publishes such finding in the **Federal Register**. The Chairperson will appoint a Committee Convening Chair to preside over each Committee as a delegate of the Chairperson; however, the Chairperson retains responsibility for all Committees and for administrative and record keeping requirements of any meetings held by such Committees, including providing public notice as required of any meetings.

When recommended by the Committee Convening Chair, the Chairperson will provide notice of a POA Deactivation. Any actions taken by Participants after the Deactivation date are outside the scope of POA Agreement and those defenses to antitrust violations that were previously afforded to Participants are no longer available.

Rules and Regulations

Participants acknowledge and agree to comply with all provisions of DPA section 708, as amended, and regulations related thereto which are promulgated by DOE, the Attorney General, and the FTC. DOE has promulgated standards and procedures

pertaining to voluntary agreements in 10 CFR part 821. The Chairperson shall inform Participants of new rules and regulations as they are issued.

Modification and Amendment

The Secretary of Energy, after consultation with the Attorney General and the Chairman of the FTC, may terminate or modify, in writing, this Agreement or a POA at any time, and may remove Participants from this Agreement or a POA at any time.

Participants may propose modifications or amendments to this Agreement at any time. The Chairperson shall inform Participants of modifications or amendments to this Agreement as they are issued. If a Participant indicates an intent to withdraw from the Agreement due to a modification or amendment of the Agreement, the Participant will not be required to perform actions directed by that modification or amendment.

The Attorney General, after consultation with the Chairman of the FTC and the Secretary of Energy, may terminate or modify, in writing, this Agreement or a POA at any time, and may remove Participants from this Agreement or a Plan of Action at any time. If the Attorney General decides to use this authority, the Attorney General will notify the Chairperson as soon as possible, who will in turn notify Participants. Any actions taken by a Participant after the Participant's withdrawal or removal from this Agreement or a POA are outside the scope of a POA Agreement. Accordingly, defenses against antitrust violations that were previously afforded to the Participant would no longer be available.

Expenses

Participation in this Agreement does not confer funds to Participants, nor does it limit or prohibit any pre-existing source of funds. Unless otherwise specified, all expenses, administrative or otherwise, incurred by Participants associated with participation in this Agreement shall be borne exclusively by the Participants.

Recordkeeping

The Chairperson shall have primary responsibility for maintaining records in accordance with 10 CFR part 821.3, and shall be the official custodian of records related to carrying out this Agreement. These activities may be delegated to the Secretariat.

Each Participant shall maintain for five (5) years all records, documents, and other data, including any communications with other Participants

or with any other member of the Committee, including drafts, related to the carrying out of this Agreement or any POA or incorporating data or information received in the course of carrying out this Agreement or any POA. Each Participant agrees to produce to the Secretary of Energy, the Attorney General, and the Chairman of the FTC upon request any item that this section requires the Participant to maintain. Any record maintained in accordance with 10 CFR part 821 shall be available for public inspection and copying, unless exempted on the grounds specified in 5 U.S.C. 552(b)(1), (3) or (4) or identified as privileged and confidential information in accordance with DPA section 708(d), and 10 CFR 821.

VI. Antitrust Defense

Under the provisions of DPA subsection 708(j), each Participant in this Agreement shall have available as a defense to any civil or criminal action brought for violation of the antitrust laws (or any similar law of any State) with respect to any action to develop or carry out this Agreement or a POA, insofar as such action was taken by the Participant in the course of developing or carrying out this Agreement or a POA, that the Participant complied with the provisions of DPA section 708 and the rules promulgated thereunder, and that the Participant acted in accordance with the terms of this Agreement and any relevant POA. Except in the case of actions taken to develop this Agreement or a POA, this defense shall be available only to the extent the Participant asserting the defense demonstrates that the action was specified in, or was within the scope of, this Agreement or a POA.

This defense shall not apply to any action occurring after the termination of this Agreement or a POA, or after the withdrawal or removal of a Participant. Immediately upon modification of this Agreement or a POA, no antitrust immunity shall apply to any subsequent action that is beyond the scope of the modified Agreement or POA. The Participant asserting the defense bears the burden of proof to establish the elements of the defense. The defense shall not be available if the person against whom the defense is asserted shows that the action was taken for the purpose of violating the antitrust laws.

VII. Terms and Conditions

Each Participant agrees to voluntarily collaborate with all Consortium Members to recommend POAs and Sub-Committees that will, at the direction of and under the supervision of DOE,

bolster the domestic nuclear fuel cycle to enable the continued reliable operation of the Nation's existing, and future, nuclear reactors.

As the sponsoring agency, DOE will maintain oversight over Committee and Sub-Committee activities and direct and supervise actions taken to carry out this Agreement and subsequent POAs, including by retaining decision-making authority over actions taken pursuant to this Agreement and subsequent POAs to ensure such actions are necessary to address a direct threat to the national defense. The DOJ and FTC will monitor activities of the Committee and Sub-Committees to ensure they execute their responsibilities in a manner consistent with this Agreement having the least anticompetitive effects possible.

Plan of Action Execution

Specific Member obligations and actions to be undertaken will only be provided for in individual POAs, not in the Agreement. Activities taken to develop a POA or to implement a POA that has been activated pursuant to Section V above will provide Participants the antitrust defense described in Section VI. Each POA will identify the conduct that Participants will undertake in carrying out the POA and that would be subject to the defense described in Section VI.

Each POA will describe what information Members will share, as directed by DOE and under DOE's supervision. Information will be used to create a common operating picture in furtherance of the POA's purpose and/or to promote overall situational awareness of nuclear fuel cycle activities.

Each POA, and information gathered pursuant to that plan, will be used to support efforts to ensure that the nuclear fuel supply chain capacity, including milling, conversion, enrichment, deconversion, fabrication, recycling, or reprocessing, is available to enable the continued reliable operation of the Nation's existing, and future, nuclear reactors.

VIII. Information Management and Responsibilities

DOE will request only that data and information from Participants that are necessary to meet the objectives of a POA. Upon signing a POA Agreement, Participants should endeavor to cooperate to the greatest extent possible to share data and information necessary to meet the objectives of the POA.

The specific data requested, procedures for sharing that data, and data management and disposition will be tailored for each specific POA. Where

feasible and to the greatest extent possible, DOE will incorporate the following principles regarding data sharing into each POA:

1. In general, Participants will not be asked to share competitively sensitive information directly with other Participants. Direct sharing of information among Participants will be requested only when necessary to accomplish the goals outlined in the POA and will be closely supervised by DOE, DOJ, and FTC, including requiring appropriate safeguards regarding Participant use and dissemination of other Participants' data.

2. If DOE needs to share information with parties outside a Committee, DOE will limit the amount and type of information shared to the greatest extent feasible and permitted by law, while still furthering the objectives of the POA.

3. Prior to distribution within or outside the Committee, DOE will aggregate and anonymize data in such a way that will maximize the effectiveness of the POA without compromising competitively sensitive information.

4. Pursuant to 5 U.S.C. 552(b)(4) and 10 CFR 821.6, DOE will withhold from disclosure under the Freedom of Information Act (FOIA) Participant trade secrets and commercial or financial information and will restrict Committee meeting attendance where necessary to protect trade secrets and commercial or financial information.

5. Any party receiving competitively sensitive information through a POA shall use such information solely for the purposes outlined in the POA and take steps, such as imposing firewalls or tracking usage, to ensure such information is not used for any other purpose. Disclosure and use of competitively sensitive information will be limited to the greatest extent possible.

6. At the conclusion of a Participant's involvement in a POA (due to the deactivation of the POA or due to the Participant's withdrawal or removal) each Participant will be requested to sequester any and all competitively sensitive information received through participation in the POA. This sequestration will include the deletion of all competitively sensitive information unless required to be kept pursuant to the Recordkeeping requirements as described supra, Section I, 10 CFR part 821.6, or any other provision of law.

IX. Oversight

The Chairperson is responsible for ensuring the Attorney General, or

suitable delegate(s) from DOJ, and the FTC Chairman, or suitable delegate(s) from the FTC, have awareness of activities under this Agreement, including POA activation, deactivation, and scheduling of meetings. The Attorney General, the FTC Chairman, or their delegates may attend Consortium and Committee meetings and request to be apprised of any activities taken in accordance with activities under this Agreement or a POA. DOJ or FTC Representatives may request and review any proposed action by the Consortium, Committee, or Participants undertaken pursuant to this Agreement or POA, including the provision of data. If any DOJ or FTC Representative believes any action proposed or taken is not consistent with relevant antitrust protections provided by the DPA, he or she shall provide warning and guidance to the Committee as soon as the potential issue is identified. If questions arise about the antitrust protections applicable to any particular action, DOE may request DOJ, in consultation with the FTC, provide an opinion on the legality of the action under relevant DPA antitrust protections.

The Consortium Chairperson shall notify the Attorney General, the Chairman of the FTC, Representatives, and Participants of the time, place, and nature of each meeting and of the proposed agenda of each meeting to be held to carry out this Agreement. Additionally, the Chairperson shall provide for publication in the **Federal Register** of a notice of the time, place, and nature of each Consortium meeting. If a meeting is open, a **Federal Register** notice will be published reasonably in advance of the meeting. The Chairman may restrict attendance at meetings only on the grounds outlined by 10 CFR 821.6. If a meeting is closed, a **Federal Register** notice will be published within 10 days of the meeting and will include the reasons for that decision.

The Chairperson shall establish the agenda for each Consortium meeting, be responsible for adherence to the agenda, and provide for a written summary or other record of each Consortium meeting and provide copies of transcripts or other records to DOE, the Attorney General, the Chairman of the FTC, and all Participants. The Chair shall take necessary actions to protect from public disclosure any data discussed with or obtained from Participants which a Participant has identified as a trade secret or as privileged and confidential in accordance with DPA sections 708(h)(3) and 705(d), or which qualifies for withholding under 10 CFR 821.6.

XI. Application and Agreement

The Participant agrees to join in the U.S. Department of Energy-sponsored Voluntary Agreement entitled “DOE Nuclear Fuel Cycle Defense Production Act (DPA) Consortium” and to become a Participant in this Consortium. This Agreement will be published in the **Federal Register**. This Agreement is authorized under section 708 of the Defense Production Act of 1950, as amended. Regulations governing this Agreement appear at 10 CFR part 821. The applicant, as Participant, agrees to comply with the provisions of section 708 of the Defense Production Act of 1950, as amended, the regulations at 10 CFR part 821, and the terms of this Agreement.

No Participant may assign or transfer this Agreement, in whole or in part, or any protections, rights or obligations hereunder without the prior written consent of the Chairperson. When requested, the Chairperson will respond to written requests for consent within 10 business days of receipt.

[FR Doc. 2025–20008 Filed 11–14–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–3437; Project Identifier MCAI–2025–00161–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2024–19–13, which applies to certain Airbus SAS Model A318 and A320 series airplanes, and Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes, and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes. AD 2024–19–13 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2024–19–13, the FAA has determined that new or more restrictive airworthiness limitations are necessary.

This proposed AD would continue to require certain actions in AD 2024–19–13 and would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. This proposed AD would also add Model A319–173N and Model A321–253NY airplanes to the applicability. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 2, 2026.

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

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

- **Fax:** 202–493–2251.

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

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

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–3437; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–3437.

- 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.

FOR FURTHER INFORMATION CONTACT: Emma Copeland, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 847–294–8068; email: emma.m.copeland@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include “Docket No. FAA–2025–3437; Project Identifier MCAI–2025–00161–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Emma Copeland, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 847–294–8068; email: emma.m.copeland@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2024–19–13, Amendment 39–22855 (89 FR 84274, October 22, 2024) (AD 2024–19–13), for certain Airbus SAS Model A318 and A320 series airplanes, and Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes, and Model A321–111, –112,

–131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes. AD 2024–19–13 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2024–0030, dated January 31, 2024 (EASA AD 2024–0030) (which corresponds to FAA AD 2024–19–13), to correct an unsafe condition.

AD 2024–19–13 requires revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations. The FAA issued AD 2024–19–13 to address a safety significant latent failure (that is not annunciated), which, in combination with one or more other specific failures or events, could result in a hazardous or catastrophic failure condition.

Actions Since AD 2024–19–13 Was Issued

Since the FAA issued AD 2024–19–13, EASA superseded AD 2024–0030 and issued EASA AD 2025–0031, dated February 10, 2025 (EASA AD 2025–0031) (also referred to as the MCAI), for all Airbus SAS Model A318 and A319 series airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –272N, and –272NX airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that new or more restrictive airworthiness limitations have been developed.

Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after November 4, 2024, must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability.

The FAA is proposing this AD to address a safety significant latent failure (that is not annunciated), which, in combination with one or more other specific failures or events, could result in a hazardous or catastrophic failure condition. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–3437.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0031. This material specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This proposed AD would also require EASA AD 2024–0030, which the Director of the Federal Register approved for incorporation by reference as of November 26, 2024 (89 FR 84274, October 22, 2024).

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

FAA’s Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would retain certain requirements of AD 2024–19–13. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, which are specified in EASA AD 2025–0031 already described, as proposed for incorporation by reference. Any differences with EASA AD 2025–0031 are identified as exceptions in the regulatory text of this proposed AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (e.g., inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (m)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to retain the Incorporation by Reference (IBR) of EASA AD 2024–0030 and incorporate EASA AD 2025–0031 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0030 and EASA AD 2025–0031 through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0030 or EASA AD 2025–0031 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this proposed AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2024–0030 or EASA AD 2025–0031. Material required by EASA AD 2024–0030 and EASA AD 2025–0031 for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA–2025–3437 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (*e.g.*, inspections) or intervals may be used unless the actions and intervals are approved as an AMOC in accordance with the procedures specified in the AMOCs paragraph under “Additional AD Provisions.” This new format includes a “New Provisions for Alternative Actions and Intervals” paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action or interval.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,989 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2024–19–13 to be \$7,650 (90 work-hours × \$85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new proposed actions to be \$7,650 (90 work-hours × \$85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
 - a. Removing Airworthiness Directive (AD) 2024–19–13, Amendment 39–22855 (89 FR 84274, October 22, 2024); and
 - b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2025–3437; Project Identifier MCAI–2025–00161–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 2, 2026.

(b) Affected ADs

This AD replaces AD 2024–19–13, Amendment 39–22855 (89 FR 84274, October 22, 2024) (AD 2024–19–13).

(c) Applicability

This AD applies to the Airbus SAS airplanes specified in paragraphs (c)(1) through (4) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 4, 2024.

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

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

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

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

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address a safety significant latent failure (that is not annunciated), which, in combination with one or more other specific failures or events, could result in a hazardous or catastrophic failure condition.

(f) Compliance

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

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

This paragraph restates the requirements of paragraph (n) of AD 2024–19–13, with a new terminating action. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before December 15, 2023, except for Model A319–173N and Model A321–253NY airplanes: Except as specified in paragraph (h) of this AD, comply with all required actions and compliance times specified in, and in accordance with European Union Aviation Safety Agency (EASA) AD 2024–0030, dated January 31, 2024 (EASA AD 2024–0030). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2024–0030, With no Changes

This paragraph restates the exceptions specified in paragraph (o) of AD 2024–19–13, with no changes.

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2024–0030.

(2) Paragraph (3) of EASA AD 2024–0030 specifies revising “the approved AMP,” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after November 26, 2024 (the effective date of AD 2024–19–13).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2024–0030 is at the applicable “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA

AD 2024–0030, or within 90 days after November 26, 2024 (the effective date of AD 2024–19–13), whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2024–0030.

(5) This AD does not adopt the “Remarks” section of EASA AD 2024–0030.

(i) Retained Provisions for Alternative Actions and Intervals

This paragraph restates the requirements of paragraph (p) of AD 2024–19–13, with a new exception. Except as required by paragraph (j) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections) and intervals are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2024–0030.

(j) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0031, dated February 10, 2025 (EASA AD 2025–0031). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2025–0031

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2025–0031.

(2) Paragraph (3) of EASA AD 2025–0031 specifies revising “the approved AMP,” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2025–0031 is at the applicable “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2025–0031, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2025–0031.

(5) This AD does not adopt the “Remarks” section of EASA AD 2025–0031.

(l) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (e.g., inspections) and intervals are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2025–0031.

(m) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance* (AMOCs): The Manager, AIR–520, Continued

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

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

(n) Additional Information

For more information about this AD, contact Emma Copeland, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 847–294–8068; email: emma.m.copeland@faa.gov.

(o) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on [DATE 35 DAYS AFTER PUBLICATION OF THE FINAL RULE].

(i) European Union Aviation Safety Agency (EASA) AD 2025–0031, dated February 10, 2025.

(ii) [Reserved]

(4) The following material was approved for IBR on November 26, 2024 (89 FR 84274, October 22, 2024).

(i) EASA AD 2024–0030, dated January 31, 2024.

(ii) [Reserved]

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

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

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

Issued on October 17, 2025.

Lona C. Saccomando,

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

[FR Doc. 2025–20011 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–3997; Project Identifier AD–2025–01471–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all The Boeing Company Model 777–200, –200LR, –300, –300ER, and 777F series airplanes. This proposed AD was prompted by a report of overheated alternating current motor pumps (ACMP) that caused a fire in the main landing gear (MLG) wheel well. This proposed AD would require a records check or inspection for any installed ACMP with a certain part number and applicable on-condition actions. This proposed AD would also prohibit the installation of affected parts. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 2, 2026.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–3997; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket

contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister 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–2025–3997.

FOR FURTHER INFORMATION CONTACT: Michael Sheldon, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 651–955–7451; email: *michael.e.sheldon@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include “Docket No. FAA–2025–3997; Project Identifier AD–2025–01471–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as

private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Michael Sheldon, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 651–955–7451; email: *michael.e.sheldon@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report from an operator of a fire in the MLG wheel well on a Model 777 airplane. A subsequent investigation found that the cause of the fire was an overheated ACMP. Further investigation found that a lock washer and nut was missing from a moving contact in the related electrical load control unit (ELCU). The missing lock washer and nut left the main contact operator bar unrestrained and in a position which let two-phase power go to the ACMP which caused the ACMP to overheat, leak hydraulic fluid and subsequently start a fire in the MLG wheel well. As a result, the design of the ACMP has been modified to include fusible links as a new feature to prevent the ACMP overheat if one of the electrical phases fails. Additionally, the manufacturer has determined that part number 731966 on continuous two-phase power application may cause the pump to overheat and ignite a fire in the wheel well. Part number 731966 can be subjected to a single failure of the ELCU that results in continuous two-phase power application with no ability to remove power. This condition, if not addressed, could result in the ACMP overheating and igniting a fire in the wheel well and consequent damage to the airplane, loss of continued safe flight and landing and/or personnel injury.

FAA’s Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 777–29A0047 RB, dated September 11, 2025. This

material specifies procedures for a records check or inspection for any installed ACMP with part number 731966, and applicable on-condition actions. On-condition actions include replacing any ACMP part number 731966 with ACMP part number 3033115–100 or later approved ACMP part number at affected locations. 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.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. This proposed AD would also prohibit the installation of affected parts. For information on the procedures

and compliance times, see this material at *regulations.gov* under Docket No. FAA–2025–3997.

Differences Between This Proposed AD and the Referenced Material

The effectivity of Boeing Alert Requirements Bulletin 777–29A0047 RB, dated September 11, 2025, is limited to The Boeing Company Model 777–200, –200LR, –300, –300ER, and 777F series airplanes having line numbers 1 through 1566 inclusive, and 1568 through 1571 inclusive. However, the applicability of this proposed AD includes all Model 777–200, –200LR, –300, –300ER, and 777F series airplanes. Because the affected ACMP are rotatable parts, the FAA has determined that these parts could later be installed on airplanes that were initially delivered with acceptable ACMPs, thereby subjecting those airplanes to the unsafe condition. The FAA has confirmed that the

Accomplishment Instructions in Boeing Alert Requirements Bulletin 777–29A0047 RB, dated September 11, 2025, are applicable to the expanded group of airplanes.

Boeing Alert Requirements Bulletin 777–29A0047 RB, dated September 11, 2025, refers to ACMP part number 3033115–100 as an acceptable part. However, the Boeing aircraft maintenance manual (AMM) identifies part numbers 66133–06 or 66068–08 as additional acceptable parts. Accordingly, the FAA has added paragraph (h)(2) to this proposed AD to allow those parts as alternative replacement parts.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 340 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection/Records review	2 work-hours × \$85 per hour = \$170	\$0	\$170	\$57,800

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

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

number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	5 work-hours × \$85 per hour = \$425	Up to \$76,674	Up to \$77,099.

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

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing

regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2025–3997; Project Identifier AD–2025–01471–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 2, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 777–200, –200LR, –300, –300ER, and 777F series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic Power.

(e) Unsafe Condition

This AD was prompted by a report of an overheated alternating current motor pump (ACMP) that caused a fire in the main landing gear (MLG) wheel well. A subsequent investigation found that the cause of the fire was an overheated ACMP. Further investigation found that a lock washer and nut was missing from a moving contact in the related electrical load control unit (ELCU). The FAA is issuing this AD to address a single failure of the ELCU in the ACMP. The unsafe condition, if not addressed, could result in the ACMP overheating and igniting a fire in the wheel well and consequent damage to the airplane, loss of continued safe flight and landing and/or personnel injury.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 777–29A0047 RB, dated September 11, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 777–29A0047 RB, dated September 11, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 777–29A0047, dated September 11, 2025, which is referred to in Boeing Alert Requirements Bulletin 777–29A0047 RB, dated September 11, 2025.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time column of the table in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 777–29A0047 RB, dated September 11, 2025, refers to the original issue date of Requirements Bulletin 777–29A0047 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 777–29A0047 RB, dated September 11, 2025, refers to part number 3033115–100 as a replacement part, for this AD, part numbers 66133–06 or 66068–08 are also acceptable replacement parts.

(i) Parts Installation Prohibition

As of the effective date of this AD, no person may install any ACMP, having part number 731966, on any airplane.

(j) 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 (k)(1) of this AD. Information may be emailed to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) 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.

(k) Additional Information

(1) For more information about this AD, contact Michael Sheldon, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 651–955–7451; email: *michael.e.sheldon@faa.gov*.

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (l)(3) this AD.

(l) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 777–29A0047 RB, dated September 11, 2025.

(ii) [Reserved]

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister 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 November 5, 2025.

Peter A. White,

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

[FR Doc. 2025–20013 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–13–P

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

[Docket No. FAA–2025–3989; Project Identifier MCAI–2025–00160–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2025–03–06 and AD 2025–17–07, which apply to certain Airbus SAS Model A318 and A320 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes. AD 2025–17–07 also applies to Airbus SAS Model A321–253NY airplanes. AD 2025–03–06 and AD 2025–17–07 require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2025–03–06 and AD 2025–17–07, the FAA has determined that additional new or more restrictive airworthiness limitations are necessary. This proposed AD would continue to require certain actions in AD 2025–03–06 and all actions in AD 2025–17–07. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations and add new airplane models. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 2, 2026.

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

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

- **Fax:** 202-493-2251.

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

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

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-3989; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADS@easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-3989.

- 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.

FOR FURTHER INFORMATION CONTACT:

Aaron Nguyen, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817-222-5134; email: aaron.t.nguyen@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include “Docket No. FAA-2025-3989; Project Identifier MCAI-2025-00160-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Aaron Nguyen, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817-222-5134; email: aaron.t.nguyen@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2025-03-06, Amendment 39-22954 (90 FR 9595, February 14, 2025) (AD 2025-03-06), for certain Airbus SAS Model A318 and A320 series airplanes; Model A319-111, -112, -113, -114, -115, -131, -132, -133, -151N, -153N, and -171N airplanes; and Model A321-111, -112, -131, -211, -212, -213, -231, -232, -251N, -251NX, -252N, -252NX, -253N, -253NX, -271N, -271NX, -272N, and -272NX airplanes. AD 2025-03-06 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2024-0031, dated January 31, 2024; corrected February 1, 2024 (EASA AD 2024-0031), to correct an unsafe condition.

AD 2025-03-06 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations (specified in Airbus A318/

A319/A320/A321 Airworthiness Limitations Section (ALS) Part 2, Damage Tolerant Airworthiness Limitation Items (DT—ALI), Revision 10, Issue 02, dated November 30, 2023). The FAA issued AD 2025-03-06 to address fatigue cracking, accidental damage, or corrosion in principal structural elements, which could result in reduced structural integrity of the airplane.

The FAA issued AD 2025-17-07, Amendment 39-23117 (90 FR 41771, August 27, 2025) (AD 2025-17-07), for certain Airbus SAS Model A318, A320, and A321 series airplanes; and Model A319-111, -112, -113, -114, -115, -131, -132, -133, -151N, -153N, and -171N airplanes. AD 2025-17-07 was prompted by EASA AD 2024-0208, dated October 25, 2024 (EASA AD 2024-0208), to correct an unsafe condition.

AD 2025-17-07 requires revising the existing maintenance or inspection program, as applicable, to incorporate new airworthiness limitations (specified in Airbus A318/A319/A320/A321 ALS Part 2, Damage Tolerant Airworthiness Limitation Items (DT—ALI), Variation 10.3, dated August 7, 2024). The FAA issued AD 2025-17-07 to address fatigue cracking, accidental damage, or corrosion in principal structural elements, which could result in reduced structural integrity of the airplane.

Actions Since EASA AD 2024-0031 and AD 2024-0208 Were Issued

EASA issued AD 2025-0030, dated February 10, 2025 (EASA AD 2025-0030) (also referred to as the MCAI) to supersede AD 2024-0031 and AD 2024-0208 (corresponding to FAA AD 2025-03-06 and AD 2025-17-07, respectively), for certain Airbus SAS Model A318, A319, and A321 series airplanes; and Model A320-211, -212, -214, -215, -216, -231, -232, -233, -251N, -252N, -253N, -271N, -272N, and -273N airplanes. Model A320-215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that new or more restrictive airworthiness limitations have been developed, as specified in Airbus A318/A319/A320/A321 ALS Part 2, Damage Tolerant Airworthiness Limitation Items (DT—ALI), Revision 11, dated November 4, 2024.

The FAA is proposing this AD to address the unsafe condition on these products. The FAA is also proposing to add Model A319-173N and A321-253NY airplanes to the applicability. You may examine the MCAI in the AD

docket at *regulations.gov* under Docket No. FAA–2025–3989.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0030. This material specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This proposed AD would also require EASA AD 2024–0208, which the Director of the Federal Register approved for incorporation by reference as of October 1, 2025 (90 FR 41771, August 27, 2025).

This proposed AD would also require EASA AD 2024–0031, which the Director of the Federal Register approved for incorporation by reference as of March 21, 2025 (90 FR 9595, February 14, 2025).

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would retain certain requirements of AD 2025–03–06 and all requirements of AD 2025–17–07. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, which are specified in EASA AD 2025–0030 already described, as proposed for incorporation by reference. Any differences with EASA AD 2025–0030 are identified as exceptions in the regulatory text of this proposed AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (e.g., inspections) and Critical Design Configuration Control Limitations (CDCCLs). Compliance with these actions and CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by

this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (p)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to retain the IBRs of EASA AD 2024–0031 and EASA AD 2024–0208 and incorporate EASA AD 2025–0030 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0031, EASA AD 2024–0208, and EASA AD 2025–0030 through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0031, EASA AD 2024–0208, or EASA AD 2025–0030 does not mean that operators need comply only with that section. For example, where the AD requirement refers to "all required actions and compliance times," compliance with this proposed AD requirement is not limited to the section titled "Required Action(s) and Compliance Time(s)" in EASA AD 2024–0031, EASA AD 2024–0208, or EASA AD 2025–0030. Material required by EASA AD 2024–0031, EASA AD 2024–0208, and EASA AD 2025–0030 for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA–2025–3989 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (e.g., inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an AMOC in accordance with the procedures specified in the AMOCs paragraph under "Additional AD Provisions." This new format includes a "New Provisions for Alternative Actions, Intervals, and CDCCLs" paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action, interval, or CDCCL.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,900 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2025–03–06 to be \$7,650 (90 work-hours × \$85 per work-hour).

The FAA estimates the total cost per operator for the retained actions from AD 2025–17–07 to be \$7,650 (90 work-hours × \$85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new proposed actions to be \$7,650 (90 work-hours × \$85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
- a. Removing Airworthiness Directive (AD) 2025–03–06, Amendment 39–22954 (90 FR 9595, February 14, 2025); and AD 2025–17–07, Amendment 39–23117 (90 FR 41771, August 27, 2025) and
 - b. Adding the following new AD:
- Airbus SAS:** Docket No. FAA–2025–3989; Project Identifier MCAI–2025–00160–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 2, 2026.

(b) Affected ADs

(1) This AD replaces AD 2025–03–06, Amendment 39–22954 (90 FR 9595, February 14, 2025) (AD 2025–03–06).

(2) This AD replaces AD 2025–17–07, Amendment 39–23117 (90 FR 41771, August 27, 2025).

(c) Applicability

This AD applies to Airbus SAS Model airplanes identified in paragraphs (c)(1) through (4) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 4, 2024.

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

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

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

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

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue cracking, accidental damage, or corrosion in principal structural elements. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program From AD 2025–03–06, With a New Terminating Action

This paragraph restates the requirements of paragraph (n) of AD 2025–03–06, with a new terminating action. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before December 19, 2023: Except as specified in paragraph (h) of this AD, comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2024–0031, dated January 31, 2024; corrected February 1, 2024 (EASA AD 2024–0031). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (m) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2024–0031, With No Changes

This paragraph restates the exceptions specified in paragraph (o) of AD 2025–03–06, with no changes.

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2024–0031.

(2) Paragraph (3) of EASA AD 2024–0031 specifies revising “the approved AMP” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after March 21, 2025 (the effective date of AD 2025–03–06).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2024–0031 is at the applicable “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2024–0031, or within 90 days after March 21, 2025 (the effective date of AD 2025–03–06), whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4), (5), and (6) of EASA AD 2024–0031.

(5) This AD does not require incorporating Section 4, “Damage Tolerant—Airworthiness Limitations Items—tasks beyond MPPT,” of “the ALS” specified in EASA AD 2024–0031.

(6) This AD does not adopt the “Remarks” section of EASA AD 2024–0031.

(i) Retained Restrictions on Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs) From AD 2025–03–06, With a New Exception

This paragraph restates the requirements of paragraph (p) of AD 2025–03–06, with a new exception. Except as required by paragraphs (j) and (m) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2024–0031.

(j) Retained Revision of the Existing Maintenance or Inspection Program From AD 2025–17–07, With a New Terminating Action

This paragraph restates the requirements of paragraph (g) of AD 2025–17–07, with a new terminating action. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before August 7, 2024: Except as specified in paragraph (k) of this AD, comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2024–0208, dated October 25, 2024 (EASA AD 2024–0208). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (m) of this AD terminates the requirements of this paragraph.

(k) Retained Exceptions to EASA AD 2024–0208, With No Changes

This paragraph restates the exceptions specified in paragraph (h) of AD 2025–17–07, with no changes.

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2024–0208.

(2) Paragraph (3) of EASA AD 2024–0208 specifies revising “the approved AMP” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after October 1, 2025 (the effective date of AD 2025–17–07).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2024–0208 is at the applicable “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2024–0208, or within 90 days after October 1, 2025 (the effective date of AD 2025–17–07), whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraph (4) of EASA AD 2024–0208.

(5) This AD does not adopt the “Remarks” section of EASA AD 2024–0208.

(l) Retained Restrictions on Alternative Actions and Intervals From AD 2025–17–07, With a New Exception

This paragraph restates the requirements of paragraph (i) of AD 2025–17–07, with a new exception. Except as required by paragraph (m) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (e.g., inspections) and intervals are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2024–0208.

(m) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (n) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0030, dated February 10, 2025. Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraphs (g) and (j) of this AD.

(n) Exceptions to EASA AD 2025–0030

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2025–0030.

(2) Paragraph (3) of EASA AD 2025–0030 specifies revising “the approved AMP” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2025–0030 is at the applicable “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2025–0030, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2025–0030.

(5) This AD does not adopt the “Remarks” section of EASA AD 2025–0030.

(6) This AD does not require incorporating Section 4, “Damage Tolerant—Airworthiness Limitations Items—tasks beyond MPPT,” of “the ALS” specified in EASA AD 2025–0030.

(o) New Provisions for Alternative Actions, Intervals, and CDCCLs

After the existing maintenance or inspection program has been revised as required by paragraph (m) of this AD, no alternative actions (e.g., inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2025–0030.

(p) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(q) Additional Information

For more information about this AD, contact Aaron Nguyen, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5134; email: aaron.t.nguyen@faa.gov.

(r) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on [DATE 35 DAYS AFTER PUBLICATION OF THE FINAL RULE].

(i) European Union Aviation Safety Agency (EASA) AD 2025–0030, dated February 10, 2025.

(ii) [Reserved]

(4) The following material was approved for IBR on October 1, 2025 (90 FR 41771, August 27, 2025).

(i) EASA AD 2024–0208, dated October 25, 2024.

(ii) [Reserved]

(5) The following material was approved for IBR on March 21, 2025 (90 FR 9595, February 14, 2025).

(i) EASA AD 2024–0031, dated January 31, 2024; corrected February 1, 2024.

(ii) [Reserved]

(6) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3,

50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu.

(7) 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.

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

Issued on October 22, 2025.

Lona C. Saccomando,

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

[FR Doc. 2025–20012 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–3988; Project Identifier MCAI–2025–00443–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A330–200, –200 Freighter, –300, –800, and –900 series airplanes. This proposed AD was prompted by the identification of an incorrect shot peening application implemented in production. This proposed AD would require repetitive special detailed inspections (SDIs) of affected central windshield frames and applicable corrective actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 2, 2026.

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

- *Federal eRulemaking Portal:* Go to regulations.gov. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room

W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–3988; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

- **Material Incorporated by Reference:**

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–3988.

- 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.

FOR FURTHER INFORMATION CONTACT:

Nicholas Benson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3647; email: nicholas.h.benson@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include “Docket No. FAA–2025–3988; Project Identifier MCAI–2025–00443–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Nicholas Benson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3647; email: nicholas.h.benson@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0071, dated March 31, 2025 (EASA AD 2025–0071) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A330–200, –200 Freighter, –300, –800, and –900 series airplanes. The MCAI states an incorrect shot peening application was implemented in production and the fatigue life of affected central windshield frames could consequently be lower than the certified value. This condition, if not addressed, could adversely affect the structural integrity of the airplane.

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

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–3988.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0071 specifies procedures for repetitive SDIs (*i.e.*, high frequency eddy current inspections) for cracking of the windshield central lower framing fillet radius on the left-hand and right-hand sides, and applicable corrective actions. Corrective actions include repair.

This material is reasonably available because the interested parties have

access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA’s Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0071 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0071 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0071 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0071 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2025–0071. Material required by EASA AD 2025–0071 for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–3988 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 145 airplanes of U.S. registry. The FAA

estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
4 work-hours × \$85 per hour = \$340	\$0	\$340	\$49,300

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

- For the reasons discussed above, I certify this proposed regulation:
- (1) Is not a “significant regulatory action” under Executive Order 12866,
 - (2) Would not affect intrastate aviation in Alaska, and
 - (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2025–3988; Project Identifier MCAI–2025–00443–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 2, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS airplanes identified in paragraphs (c)(1) through (5) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0071, dated March 31, 2025 (EASA AD 2025–0071).

- (1) Model A330–201, –202, –203, –223, and –243 airplanes.
- (2) Model A330–223F and –243F airplanes.
- (3) Model A330–301, –302, –303, –321, –322, –323, –341, –342 and –343 airplanes.
- (4) Model A330–841 airplanes.
- (5) Model A330–941 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by the identification of an incorrect shot peening application that was implemented in production. The FAA is issuing this AD to address the fatigue life of affected central windshield frames that might be lower than the certified value. This condition, if not addressed, could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0071.

(h) Exceptions to EASA AD 2025–0071

- (1) This AD does not adopt the “Remarks” section of EASA AD 2025–0071.
- (2) Where paragraph (2) of EASA AD 2025–0071 specifies if “any crack is found on an affected part, before next flight, contact Airbus for repair instructions and, within the compliance time specified in those instructions, accomplish those instructions accordingly”, this AD requires replacing that text with “any cracking is found on an affected part, the cracking must be repaired before further flight using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.”

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0071 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

- The following provisions also apply to this AD:
- (1) *Alternative Methods of Compliance (AMOCs)*: The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.
 - (2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.
 - (3) *Required for Compliance (RC)*: Except as required by paragraph (j)(2) of this AD, if

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

(k) Additional Information

For more information about this AD, contact Nicholas Benson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3647; email: nicholas.h.benson@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025-0071, dated March 31, 2025.

(ii) [Reserved]

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

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

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

Issued on October 22, 2025.

Lona C. Saccomando,

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

[FR Doc. 2025-20017 Filed 11-14-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-3426; Project Identifier AD-2025-00342-T]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 787-8, 787-9, and 787-10 airplanes. This proposed AD was prompted by reports of an uncommanded change to the mode control panel (MCP) selected altitude. This proposed AD would require replacing the existing MCP with an updated MCP and performing an installation test. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 2, 2026.

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

- **Federal eRulemaking Portal:** Go to regulations.gov. Follow the instructions for submitting comments.

- **Fax:** 202-493-2251.

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

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

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA-2025-3426; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister 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-2025-3426.

FOR FURTHER INFORMATION CONTACT:

Michael Closson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3973; email: Michael.P.Closson@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include "Docket No. FAA-2025-3426; Project Identifier AD-2025-00342-T" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Michael Closson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198;

phone: 206–231–3973; email: Michael.P.Closson@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received operator reports indicating occurrences of an uncommanded change to the MCP selected altitude. The causes of the uncommanded change were determined to be a series of events in the software, the airborne electronic hardware, and the electrical circuits in an internal power supply for the encoders in the MCP knob selectors. The replacement of the existing MCP with an updated MCP will prevent the uncommanded change to the MCP selected altitude. This condition, if not addressed, could result in controlled flight into terrain (CFIT) or

traffic conflict, which may result in mid-air collision.

FAA’s Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB220004–00 RB, Issue 001, dated April 22, 2025. This material specifies procedures for replacing the existing MCP part number 4091640–901, 4091640–902, or 4091640–903 with an MCP part number 4091640–904 and performing the MCP installation test until the test passes.

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.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this service information at [regulations.gov](https://www.faa.gov/regulations.gov) under Docket No. FAA–2025–3426.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 165 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace MCP and Do Installation Test.	2 work-hours × \$85 per hour = \$170.	Up to \$405,000* ...	Up to \$405,170	Up to \$66,853,050.

* This is the estimated cost for a replacement MCP. However, the FAA notes that the manufacturer of the MCP (Honeywell) has stated that some or all of the costs of retrofitting the MCP to part number 4091640–904 may be covered under warranty, thereby reducing the cost impact on affected operators. If a part is retrofitted, purchasing a new part is unnecessary.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2025–3426; Project Identifier AD–2025–00342–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 2, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin B787–81205–SB220004–00 RB, Issue 001, dated April 22, 2025.

(d) Subject

Air Transport Association (ATA) of America Code 22, Auto flight.

(e) Unsafe Condition

This AD was prompted by reports of an uncommanded change to the mode control panel (MCP) selected altitude. The FAA is issuing this AD to address uncommanded changes to the MCP selected altitude. The unsafe condition, if not addressed, could result in controlled flight into terrain (CFIT)

or traffic confliction, which may result in mid-air collision.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the "Compliance" paragraph of Boeing Alert Requirements Bulletin B787-81205-SB220004-00 RB, Issue 001, dated April 22, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787-81205-SB220004-00 RB, Issue 001, dated April 22, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787-81205-SB220004-00, Issue 001, dated April 22, 2025, which is referred to in Boeing Alert Requirements Bulletin B787-81205-SB220004-00 RB, Issue 001, dated April 22, 2025.

(h) Exceptions to Service Bulletin Specifications

Where the Boeing Recommended Compliance Time column of the table in the "Compliance" paragraph of Boeing Alert Requirements Bulletin B787-81205-SB220004-00 RB, Issue 001, dated April 22, 2025, refers to the Issue 001 date of Requirements Bulletin B787-81205-SB220004-00 RB, this AD requires using the effective date of this AD.

(i) 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 certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) 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.

(j) Related Information

(1) For more information about this AD, contact Michael Closson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des

Moines, WA 98198; phone: 206-231-3973; email: Michael.P.Closson@faa.gov.

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (k)(3) this AD.

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin B787-81205-SB220004-00 RB, Issue 001, dated April 22, 2025.

(ii) [Reserved]

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister 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 29, 2025.

Lona C. Saccomando,

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

[FR Doc. 2025-20014 Filed 11-14-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-4000; Project Identifier AD-2025-00440-T]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 747-8F series airplanes. This proposed AD was prompted by reports of cracking in stringers and splice fittings located at stringer splices at multiple body stations. This proposed AD would require an inspection of each free flange of the stringers at the stringer splice for

radius fillers at certain fastener locations, an inspection for cracking of the stringers and stringer splice fittings at certain stringer splice locations, and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 2, 2026.

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

- **Federal eRulemaking Portal:** Go to regulations.gov. Follow the instructions for submitting comments.

- **Fax:** 202-493-2251.

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

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

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA-2025-4000; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister 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-2025-4000.

FOR FURTHER INFORMATION CONTACT:

Taylor Stanley, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 407-852-7677; email: taylor.stanley@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include "Docket No. FAA-2025-4000; Project Identifier AD-2025-00440-T" at the

beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Taylor Stanley, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 407-852-7677; email: *taylor.stanley@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2023-12-18, Amendment 39-22477 (88 FR 43251,

July 7, 2023) (AD 2023-12-18), for certain The Boeing Company Model 747-8 and -8F series airplanes. AD 2023-12-18 was prompted by reports of cracking in stringers and splice fittings located at stringer splices at multiple body stations. AD 2023-12-18 requires an inspection of each free flange of the stringers at the stringer splice for the presence of radius fillers at fastener locations, an inspection for cracking of the stringers and stringer splice fittings at certain stringer splice locations, and applicable on-condition actions. The agency issued AD 2023-12-18 to address cracking in stringers and splice fittings located at stringer splices, which could result in the inability of a structural element to sustain limit load and could affect structural integrity of the airplane.

Actions Since AD 2023-12-18 Was Issued

Since the FAA issued AD 2023-12-18, the FAA received in-service stringer crack reports on stringers at circumferential splice joints. Recent testing indicates that certain materials are the root cause of the stringer cracks at the circumferential splice joints. Existing inspections for airplanes having line numbers 1564 through 1574 inclusive may not provide adequate damage detection before a loss of limit load capability. These airplane line numbers are not included in the effectivity of Boeing Alert Requirements Bulletin 747-53A2907 RB, dated March 3, 2022. Therefore, these affected airplanes are not included in the applicability of AD 2023-12-18, which refers to the requirements bulletin as the appropriate source of service information.

Boeing has issued Boeing Alert Requirements Bulletin 747-53A2907 RB, Revision 1, dated March 14, 2025, which adds the affected airplanes to its effectivity (identified as Group 3 airplanes). To address the unsafe condition on these additional airplanes, the FAA has determined that a stand-alone AD is more appropriate as that

will be a less burdensome approach for airplanes identified in AD 2023-12-18.

FAA’s Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 747-53A2907 RB, Revision 1, dated March 14, 2025. This material specifies procedures for an inspection of each free flange of the stringers at the stringer splice for radius fillers at the fastener locations, a detailed inspection for cracking of the stringers and stringer splice fittings at certain stringer splice locations, and applicable on-condition actions. On-condition actions include detailed inspections for cracking or radius fillers, removal or installation of radius fillers, and contacting Boeing for repair instructions and doing the repair (*i.e.*, replacement of a cracked splice channel).

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.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA-2025-4000.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 11 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection for radius filler	Up to 124 work-hours × \$85 per hour = \$10,540.	None	Up to \$10,540	Up to \$115,940.
Inspection for cracking	Up to 244 work-hours × \$85 per hour = \$20,740.	None	Up to \$20,740	Up to \$228,140.

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

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

the number of aircraft that might need these actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Inspection for cracking or for radius fillers	1 work-hour × \$85 per hour = \$85	None	\$85 per inspection location.
Removal and installation of radius fillers ...	7 work-hours × \$85 per hour = \$595	None	595 per location.
Replacement of cracked splice channel	300 work-hours × \$85 per hour = \$25,500	\$809	26,309 per replacement.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2025–4000; Project Identifier AD–2025–00440–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 2, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 747–8F series airplanes, certificated in any category, identified as Group 3 in Boeing Alert Requirements Bulletin 747–53A2907 RB, Revision 1, dated March 14, 2025.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of cracking in stringers and splice fittings located at stringer splices at multiple body stations. The FAA is issuing this AD to address such cracking, which could result in the inability of a structural element to sustain limit load and could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the "Compliance" paragraph of Boeing Alert Requirements Bulletin 747–53A2907 RB, Revision 1, dated March 14, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements

Bulletin 747–53A2907 RB, Revision 1, dated March 14, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 747–53A2907, Revision 1, dated March 14, 2025, which is referred to in Boeing Alert Requirements Bulletin 747–53A2907 RB, Revision 1, dated March 14, 2025.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time columns of the tables in the "Compliance" paragraph of Boeing Alert Requirements Bulletin 747–53A2907 RB, Revision 1, dated March 14, 2025, refer to the Revision 1 date of Requirements Bulletin 747–53A2907 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 747–53A2907 RB, Revision 1, dated March 14, 2025, specifies contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) 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 (j)(1) of this AD. Information may be emailed to: AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) 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.

(j) Additional Information

(1) For more information about this AD, contact Taylor Stanley, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 407–852–7677; email: taylor.stanley@faa.gov.

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (k)(3) of this AD.

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 747–53A2907 RB, Revision 1, dated March 14, 2025.

(ii) [Reserved]

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister 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 November 7, 2025.

Peter A. White,

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

[FR Doc. 2025–20010 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Ch. II

[Docket No. DOT–OST–2024–0062]

RIN 2105–AF20

Airline Passenger Rights; Withdrawal

AGENCY: Office of the Secretary (OST), Department of Transportation (Department or DOT).

ACTION: Advance notice of proposed rulemaking (ANPRM); withdrawal.

SUMMARY: The Department is withdrawing the ANPRM on Airline Passenger Rights issued on December 11, 2024. The ANPRM sought public comment on a potential regulatory action that would require airlines to provide passengers affected by significant flight disruptions with a variety of costly measures. The withdrawal of this ANPRM is consistent with Executive Order (E.O.) 14192, “Unleashing Prosperity Through

Deregulation,” which directs Federal agencies to reduce regulatory burdens, and E.O. 14219, “Ensuring Lawful Governance and Implementation of the President’s ‘Department of Government Efficiency’ Deregulatory Agenda,” which directs Federal agencies to identify and to repeal or to modify regulations that are unlawful or unauthorized.

DATES: The Department of Transportation is withdrawing the advance notice proposed rulemaking published December 11, 2024 (89 FR 99760) as of November 17, 2025.

ADDRESSES:

For more information: Heather Filemyr, John Wood, or Blane A. Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202–366–9342, 202–366–7152 (fax), C70Notice@dot.gov (email). Please include RIN 2105–AF20 in the subject line of the message.

Electronic Access: Docket: For access to the docket to read background documents and comments received, go to the street address listed above or visit <http://www.regulations.gov>. Enter the docket number DOT–OST–2024–0062 in the search field.

SUPPLEMENTARY INFORMATION:

A. Background

On December 11, 2024, the Department issued an ANPRM titled, “Airline Passenger Rights.”¹ In that ANPRM, the Department requested public comment on possible measures to address air travel consumers affected by cancellations and lengthy delays. The Department explained that it was considering proposing to require airlines to provide passengers affected by significant flight delays and cancellations with cash compensation, free rebooking, and amenities such as meals, lodging for overnight delays, and transportation to and from lodging. The Department also requested comment on whether it should require airlines to offer free rebooking to passengers with a disability (and others in the same travel party) when one or more accessibility features needed by the passenger with a disability is unavailable.

On January 31, 2025, the President signed Executive Order (E.O.) 14192, “Unleashing Prosperity Through Deregulation,” to reduce the private expenditures required to comply with Federal regulations and to ensure the cost of planned regulations is

responsibly managed and controlled through a rigorous regulatory budgeting process. Pursuant to E.O. 14192, it is the policy of the executive branch to be prudent and financially responsible in the expenditure of funds, from both public and private sources, and to alleviate unnecessary regulatory burdens placed on the American people. On February 19, 2025, the President issued Executive Order 14219, “Ensuring Lawful Governance and Implementation of the President’s ‘Department of Government Efficiency’ Deregulatory Agenda,” which states that the policy of the Administration is to focus the executive branch’s limited enforcement resources on regulations squarely authorized by constitutional Federal statutes and to commence the deconstruction of the overbearing and burdensome administrative state. Consistent with these orders, the Department published a Request for Information (RFI) that sought comments and information to assist DOT in identifying existing regulations, guidance documents, paperwork requirements, and other regulatory obligations that can be modified or repealed, consistent with law, to ensure that DOT administrative actions do not undermine the national interest and that DOT achieves meaningful burden reduction while continuing to meet statutory obligations, and to ensure the safety of the U.S. transportation system.²

This notice discusses the Department’s review of public comments, existing laws addressing the rights of consumers affected by significant flight disruptions, and the application of executive branch policies to the Airline Passenger Rights rulemaking.

B. Public Comments

The Department received approximately 350 comments on the ANPRM during the public comment period. Commenters included airlines and airline associations, consumer advocacy groups, disability rights groups, individual consumers, a ticket agent association, and an organization that submits compensation claims to airlines on behalf of consumers. After the public comment period on the ANPRM, the Department also received eight comments in response to the Department’s RFI that specifically addressed the ANPRM.³

² See 90 FR 14593 (Apr. 3, 2025).

³ The Department also received several comments on the RFI from airlines that expressed general support for the comments of the International Air Transport Association without specifically mentioning this rulemaking. Comments on the RFI

¹ 89 FR 99760 (Dec. 11, 2024).

In their comments on the ANPRM, airlines and airline associations unanimously opposed new passenger rights requirements. These commenters stated that new requirements for services and compensation for significant flight disruptions would greatly increase costs for passengers and airlines, with Airlines for America (A4A) and the International Air Transport Association providing an estimate that annual costs to airlines would be \$5 billion dollars or more. A few individual commenters also expressed concern with the potential costs of new passenger rights requirements for airlines and consumers, with one noting that compensation requirements would create an unsustainable financial burden on airlines, ultimately harming consumers through reduced service and higher fares. Airline and airline association commenters further stated that airlines are highly competitive and already incentivized to provide the highest level of customer service and that any new requirements would exceed the Department's authority and would result in airlines offering reduced services. They further added that requirements similar to those discussed in the ANPRM would reduce operational reliability and had generally not improved operations in Europe or Canada. Some of these commenters stated that new requirements may incentivize airlines to risk safety in favor of timeliness. A4A commented that the ANPRM was "directly contrary to President Trump's policy to alleviate unnecessary regulatory burdens and significantly reduce the private expenditures required by Federal regulations." Airlines and airline associations made comments in response to the RFI similar to those they made in response to the ANPRM. They emphasized that the ANPRM was inconsistent with Executive Orders 14192 and 14219, and asserted that deregulation, not prescriptive rules, leads to improved services for travelers, lower fares, and more competition. The airline associations and airlines requested that the Department "terminate" or "abandon" this rulemaking.

On the other hand, consumer advocacy groups and hundreds of individual commenters supported new regulations requiring services and compensation for significant flight disruptions. The groups cited the cost of flight disruptions to passengers as a rationale for continuing with this

rulemaking and stated that the Department's regulatory precedent and legal authority also justify the rulemaking. They argued that voluntary commitments by airlines to care for passengers affected by controllable flight disruptions are insufficient because airlines may remove these commitments or fail to inform passengers about them, leaving consumers with inadequate protection. They also pointed out that no large U.S. airline currently guarantees cash compensation for significant flight disruptions. These commenters further stated that this rule would incentivize competition and improve on-time performance. AirHelp made similar comments to those from consumer advocacy groups and estimated that imposing a similar regime in the United States would cost each consumer under one dollar per ticket and would not impact airline profitability. Disability rights advocacy groups (the Muscular Dystrophy Association, Paralyzed Veterans of America, and the United Spinal Tap Association) and some individual commenters supported new rebooking requirements for passengers with disabilities who face significant changes to their itineraries affecting accessibility, explaining the unique hardships they face under these circumstances.

C. DOT Response

In light of the comments, applicable legal authorities, and Department and Administration policies, the Department has decided to withdraw the ANPRM on Airline Passenger Rights.

Section 512 of the FAA Reauthorization Act of 2024 requires the Department to "direct" air carriers providing scheduled passenger service "to establish policies regarding reimbursement for lodging, transportation between such lodging and the airport, and meal costs incurred due to a flight cancellation or significant delay directly attributable to the air carrier." Subsection 512(c) does not authorize the Department to regulate further in this area as it states that "[n]othing in this section shall be construed as providing the Secretary with any additional authorities beyond the authority to require air carriers establish the policies referred to in" subsection 512(a). The Department finds the best reading of section 512 is that Congress intended the airlines to establish reimbursement policies for the specific situations listed in the statute, and the statute does not authorize the Department to require reimbursements or compensations for flight disruptions. Despite the language of section 512, the

Department sought comment not only on imposing requirements for carriers to establish policies on reimbursements but also on whether to require carriers to provide cash compensation, free rebooking, and additional services not specified in section 512 for passengers impacted by significant flight disruptions. Therefore, consistent with section 2(a)(iii) of E.O. 14219, the Department finds that the ANPRM was not based on the best reading of the underlying statutory authority and must be withdrawn.

In addition, under 49 U.S.C. 40101, the Department must consider certain factors as being in the public interest in carrying out economic regulation. Among those factors are "placing maximum reliance on competitive market forces and on actual and potential competition" and "encouraging, developing, and maintaining an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low prices."⁴ The Department concludes that it is consistent with this statute to continue to allow airlines to compete on the services and compensation that they provide to passengers rather than imposing new minimum requirements for these services and compensation through regulation, which would impose significant costs on airlines, and potentially consumers.

According to airline representatives, airlines have strong incentives to take care of passengers during significant flight disruptions and already do so voluntarily.⁵ At this time, the 10 largest U.S. passenger air carriers, whose networks account for more than 97 percent of domestic scheduled passenger enplanements,⁶ maintain voluntary commitments in their customer service plans required by 14 CFR 259.5 to assist passengers affected by cancellations and significant delays that are controllable by the carrier. Those voluntary commitments are reflected on the Department's Delay and Cancellation Dashboard (Dashboard).⁷

⁴ See 49 U.S.C. 40101(a)(6), (a)(12).

⁵ See, e.g., comment of A4A, available at <https://www.regulations.gov/comment/DOT-OST-2024-0062-0347> (noting that "members abide by—and frequently exceed DOT's regulations regarding consumer protections").

⁶ The statistic is based on calendar year 2024 on-market enplanement data for domestic scheduled passenger operations collected by the Department's Bureau of Transportation Statistics. See Bureau of Transportation Statistics, Passengers, https://www.transtats.bts.gov/Data_Elements.aspx?Data=1 (last accessed May 12, 2025).

⁷ The Department maintains the Dashboard online as required by 49 U.S.C. § 42308. See www.flyhighrights.gov.

For example, as reflected on the Dashboard, all 10 of the largest U.S. airlines guarantee a meal and rebooking without charge on the ticketed airline, and 9 guarantee hotel accommodation and ground transportation to and from the hotel for passengers affected by controllable overnight delays and cancellations.

Regarding new rebooking requirements for individuals with disabilities affected by flight disruptions and changes, the Department recognizes that many airlines will voluntarily rebook passengers without charge when there are changes to the accessibility features of a passenger's flight.⁸ In addition, the Department's recent final rule, "Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs" (2024 Wheelchair Rule), issued after the Airline Passenger Rights ANPRM, has already extended new regulatory rebooking protections to those passengers with disabilities who use wheelchairs and scooters.⁹ The 2024 Wheelchair Rule requires airlines to offer free rebooking on the next available flight of the same or partner airline if the passenger's wheelchair or scooter is not loaded onto their scheduled flight or does not fit on the scheduled flight.¹⁰

With respect to passenger compensation requirements, four of the largest U.S. airlines have already chosen voluntarily to commit in their customer service plans to provide passengers compensation for cancellations and significant delays that are controllable by the airline in the form of credits, travel vouchers, or frequent flyer miles.¹¹ Based on the Department's enforcement experience, some airlines may even offer compensation to accommodate passengers on a case-by-case basis to encourage loyalty despite not being obligated to do so.

Further supporting that airline commitments for cancellations and delays should be addressed without

additional regulatory requirements on airlines, the FAA Reauthorization Act of 2024 requires the Department to "establish, maintain, and make publicly available" a "dashboard that displays information regarding the services and compensation provided by each large air carrier to mitigate any passenger inconvenience caused by a delay or cancellation due to circumstances in control of such carrier."¹² The Department has continued to publicize airlines' voluntary commitments to provide services and compensation on the Dashboard consistent with this statutory mandate.

In addition, the Department is not convinced that a new regulatory regime that includes passenger compensation requirements would yield meaningful improvements in airline flight performance. Over 20 years ago, the European Union (EU) imposed requirements similar to those explored in the Department's ANPRM, and the public comments and data presented do not demonstrate conclusively that those requirements have resulted in meaningful improvements to the reliability of flights covered by the EU regime.¹³ Rather than issuing burdensome and complex new regulations not supported by data, the Department is focusing its efforts on helping airlines improve performance for consumers through improvements to the National Air Space (NAS). DOT's efforts to increase the number of air traffic controllers and create a state-of-the-art, brand new air control system will provide airlines a better operational environment to serve air travelers reliably. In addition, the Department is concerned that regulations, such as those discussed in the ANPRM, may discourage airlines from focusing on investments in new technologies to address cancellation and delays directly. This is a tradeoff that the Department is not prepared to accept. The Department therefore finds, consistent with section 2(a)(vi) of E.O. 14219, that the ANPRM risks harm to the national interest by significantly and unjustifiably impeding technological innovation. In addition, with some

annual cost estimates projected to exceed \$5 billion dollars (which could potentially be passed down to American consumers in the form of higher ticket prices), with no appreciable data documenting operational improvements, the Department finds, consistent with section 2(a)(v) of E.O. 14219, that the ANPRM would impose significant costs upon private parties that are not outweighed by public benefits.

Given the foregoing considerations, the Department concludes that regulatory action requiring specific services and compensation for significant flight disruptions would result in unnecessary regulatory burdens, does not correspond with the policies and priorities of the Department and Administration, and is inconsistent with E.O. 14192 and E.O. 14219 and is thus withdrawing the ANPRM.

Signed in Washington, DC.

Gregory D. Cote,

Principal Deputy General Counsel.

[FR Doc. 2025–20042 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[SATS No. KY–267–FOR; Docket ID: OSM–2025–0023; S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

Kentucky Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), announce receipt of a proposed amendment to the Kentucky regulatory program (Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Through this program amendment, Kentucky seeks to amend its law to add a statutory definition for "long-term treatment" and to specify how the additional bonds for long-term treatment are to be calculated.

DATES: We will accept written comments on this amendment until 4:00 p.m., eastern time, on December 17, 2025. If requested, we may hold a public hearing or meeting on the amendment on December 12, 2025. We will accept

⁸ See, e.g., comment from A4A and IATA on DOT rule, Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs, available at <https://www.regulations.gov/comment/DOT-OST-2022-0144-1950> (discussing airline voluntary rebooking practices for passengers with wheelchairs and other mobility aids).

⁹ RIN 2105–AAF14, 89 FR 102398 (Dec. 17, 2024).

¹⁰ See 89 FR 102398 (Dec. 17, 2024). The Department published a **Federal Register** notice stating that it will not enforce the 2024 Wheelchair Rule before August 1, 2025. See 90 FR 24319 (June 10, 2025). On September 30, 2025, the Department published another **Federal Register** notice that temporarily delays enforcement of certain provisions in the 2024 Wheelchair Rule but does not impact enforcement of the majority of the requirements, including this rebooking requirement. 90 FR 46751.

¹¹ See www.flihtights.gov.

¹² See Public Law 118–63, 138 Stat. 1025 (2024).

¹³ See 89 FR 99760, 99773 (Dec. 11, 2024) (comparing a working paper by the European University Institute finding "an economically important and statistically significant effect of EC261 regulation [covering compensation and services] on both departure and arrival delay, as well as on-time performance" with a study contracted by the European Commission that concluded that it was "possible" that the EU regulation "has a marginal impact on the proportion of flights delayed" but stating that the impact "does not appear to be significant compared to other factors").

requests to speak at a hearing until 4:00 p.m., eastern time, on December 2, 2025.

ADDRESSES: You may submit comments, identified by SATS No. KY-267-FOR, by any of the following methods:

- *Mail/Hand Delivery:* Mr. Justin Adams, Acting Field Office Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, KY 40503.

- *Fax:* (859) 260-8410.

- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID OSM-2025-0023. If you would like to submit comments, go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Comment Procedures” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Kentucky program, this amendment, a listing of any scheduled public hearings or meetings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays: OSMRE’s Lexington Field Office: Mr. Justin Adams, Acting Field Office Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, KY 40503, telephone: (304) 977-7177, email: jadams@osmre.gov. The full text of the program amendment is available for you to read at <https://www.regulations.gov>. You may receive one free copy of the amendment by contacting Mr. Adams at the above contact information.

In addition, you may review a copy of the amendment during regular business hours at the following location: Ms. Dawn Baase, Regulation Coordinator, Department for Natural Resources, Kentucky Energy and Environment Cabinet, 300 Sower Boulevard, Frankfort, KY 40601, telephone: (502) 782-6311, email: dawn.baase@ky.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Justin Adams, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, KY 40503. Telephone: (304) 977-7177; email: jadams@osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program
II. Description of the Proposed Amendment
III. Public Comment Procedures

IV. Statutory and Executive Orders Reviews

I. Background on the Kentucky Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its approved State program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Kentucky program effective May 18, 1982. You can find background information on the Kentucky program, including the Secretary’s findings, the disposition of comments, and conditions of approval of the Kentucky program in the May 18, 1982, **Federal Register** (47 FR 21434). You can also find later actions concerning the Kentucky program and program amendments at 30 CFR 917.11, 917.12, 917.13, 917.15, 917.16, and 917.17.

II. Description of the Proposed Amendment

By letter dated June 5, 2025, (Administrative Record No. KY-2010-01), Kentucky sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). This submission proposes to define “long-term treatment.” We did not approve Kentucky’s prior attempt to define “long-term treatment” in our decision associated with KY-262 on September 21, 2023 (88 FR 65125).

With this submission, the Kentucky Department for Natural Resources proposes to amend its regulatory program reflecting statutory changes made by the Kentucky General Assembly. Under this proposed program amendment (KY-267), Kentucky seeks to add a definition for “long-term treatment” to Kentucky Revised Statutes (KRS) 350.10(27) and to amend KRS 350.060 to specify how the additional bonds for long-term treatment are calculated. These statutory changes were passed by the Kentucky General Assembly during the 2025 legislative session in Senate Bill 89 and found in the 2025 Regular Session Acts of the Kentucky General Assembly at chapter 119 (2025 KY. Acts ch. 119, sec. 3 and 4). The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** and at <http://www.regulations.gov>.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Electronic or Written Comments

If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended changes. We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in this proposed rule’s docket and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearing and Meeting

If you wish to speak at a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., eastern time, on December 2, 2025. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak

has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Any meeting is open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Statutory and Executive Order Reviews

Executive Order 12866—Regulatory Planning and Review and Executive Order 13563—Improving Regulation and Regulatory Review

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance dated October 12, 1993, the approval of State program amendments is exempted from OMB review under Executive Order 12866.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and Executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Ben H. Owens,

Acting Regional Director, North Atlantic—Appalachian Region.

[FR Doc. 2025–20018 Filed 11–14–25; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

31 CFR Part 1010

RIN 1506–AB70

Proposal of Special Measure Regarding Transactions Involving Ten Mexican Gambling Establishments as a Class of Transactions of Primary Money Laundering Concern

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: FinCEN is issuing a notice of proposed rulemaking, pursuant to section 311 of the USA PATRIOT Act, that finds transactions involving ten identified Mexico-based gambling establishments to be a class of transactions of primary money laundering concern, and proposes imposing a special measure to: (1) prohibit U.S. financial institutions from opening or maintaining a correspondent account for any foreign banking institution if such account is used to process transactions involving any of the gambling establishments, and (2) require U.S. financial institutions to apply special due diligence to their correspondent accounts that is reasonably designed to guard against the use of such accounts to process transactions involving any of the gambling establishments.

DATES: Written comments on the notice of proposed rulemaking must be submitted on or before December 17, 2025.

ADDRESSES: Comments must be submitted in one of the following two ways (please choose only one of the ways listed):

- **Federal E-rulemaking Portal:** <https://www.regulations.gov>. If you are reading this document on [federalregister.gov](https://www.federalregister.gov), you may use the green “SUBMIT A PUBLIC COMMENT” button beneath this rulemaking’s title to submit a comment to the *regulations.gov* docket.

- **Mail:** Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA

22183. Refer to Docket Number FINCEN–2025–0138 in the submission.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on <https://www.regulations.gov> to view public comments.

FOR FURTHER INFORMATION CONTACT: FinCEN’s Regulatory Support Section at www.fincen.gov/contact.

SUPPLEMENTARY INFORMATION:

I. Statutory Provisions

Section 311 of the USA PATRIOT Act¹ (section 311), codified at 31 U.S.C. 5318A, grants the Secretary of the Treasury (Secretary) the authority to make a finding that “reasonable grounds exist for concluding” that any of the following “is of primary money laundering concern”:

(i) A jurisdiction outside of the United States;

(ii) One or more financial institutions operating outside of the United States;

(iii) One or more classes of transactions within, or involving, a jurisdiction outside of the United States; or

(iv) One or more types of accounts.²

Upon making such a finding, the Secretary is authorized to require domestic financial institutions and domestic financial agencies—collectively, “covered financial institutions”—to take certain “special measures.” The five special measures set out in section 311 are safeguards that may be employed to defend the U.S. financial system from money laundering and terrorist financing risks. The Secretary may impose one or more of these special measures to protect the U.S. financial system from such threats. Through special measures one through four, the Secretary may impose additional recordkeeping, information collection, and reporting requirements on covered financial institutions.³ Through special measure five, the Secretary may “prohibit, or impose

¹ Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, Public Law 107–56, 115 Stat. 272 (Oct. 26, 2001).

² 31 U.S.C. 5318A(a)(1).

³ 31 U.S.C. 5318A(b)(1)–(4). For purposes of this proposed rulemaking, the term “covered financial institution” has the same meaning as provided at 31 CFR 1010.605(e)(1); see *infra* Section VI.A.3.

conditions upon, the opening or maintaining in the United States of a correspondent account or payable-through account” for or on behalf of a foreign banking institution, if such correspondent account or payable-through account involves the class of transactions found to be of primary money laundering concern.⁴

Before making a finding that reasonable grounds exist for concluding that a class of transactions (or other jurisdiction, financial institution, or account) is of primary money laundering concern, the Secretary is required to consult with both the Secretary of State and the Attorney General.⁵ In addition, in making a finding that reasonable grounds exist for concluding that a class of transactions is of primary money laundering concern, the Secretary is required to consider such information as the Secretary determines to be relevant, including the following potentially relevant institutional factors:

- The extent to which such a class of transactions is used to facilitate or promote money laundering in or through a jurisdiction outside the United States, including any money laundering activity by organized criminal groups, international terrorists, or entities involved in the proliferation of weapons of mass destruction (WMD) or missiles.
- The extent to which such a class of transactions is used for legitimate business purposes in the jurisdiction; and

- The extent to which such action is sufficient to ensure that the purposes of section 311 continue to be fulfilled, and to guard against international money laundering and other financial crimes.⁶

In selecting one or more special measures, the Secretary “shall consult with the Chairman of the Board of Governors of the Federal Reserve System, any other appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act), the Secretary of State, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the National Credit Union Administration Board, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find appropriate.”⁷ When imposing

special measure five, the Secretary must do so “in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System.”⁸ In addition, the Secretary is required to consider the following factors:

- Whether similar action has been or is being taken by other nations or multilateral groups;
- Whether the imposition of any particular special measure would create a significant competitive disadvantage, including any undue cost or burden associated with compliance, for financial institutions organized or licensed in the United States;
- The extent to which the action or the timing of the action would have a significant adverse systemic impact on the international payment, clearance, and settlement system, or on legitimate business activities involving the particular jurisdiction, institution, class of transactions, or type of account; and
- The effect of the action on United States national security and foreign policy.⁹

The authority of the Secretary to administer the Bank Secrecy Act (BSA)¹⁰ and its implementing regulations, including the authority under section 311 to make such a finding and to impose special measures, has been delegated to FinCEN.¹¹

II. Summary

The ten Mexican gambling establishments at issue in this Notice of Proposed Rulemaking (NPRM)—namely, (1) Emine Casino (San Luis Rio Colorado, Sonora); (2) Casino Mirage (Culiacan, Sinaloa); (3) Midas Casino (Agua Prieta, Sonora); (4) Midas Casino (Guamúchil, Sinaloa); (5) Midas Casino (Los Mochis, Sinaloa); (6) Midas Casino (Mazatlan, Sinaloa); (7) Midas Casino (Rosarito, Baja California); (8) Palermo Casino (Nogales, Sonora); (9) Skampa Casino (Ensenada, Baja California); and (10) Skampa Casino (Villahermosa, Tabasco) (collectively, the “Gambling Establishments”)¹²—all operate in Mexico and offer gambling services,

including gaming machines, table gaming, and sportsbooks betting.¹³ These Gambling Establishments are owned by three separate Mexico-based companies, all of which are regulated and licensed by Mexico’s Ministry of the Interior, Secretaría de Gobernación (SEGOB), through its Gambling and Raffles Bureau, Dirección General de Juegos y Sorteos (DGJS).¹⁴

FinCEN assesses that the Gambling Establishments are ultimately controlled by a criminal group with a longstanding and transactional financial relationship in which the Gambling Establishments facilitate money laundering for the benefit of the Cartel de Sinaloa (Sinaloa Cartel). The organized crime group purportedly uses complex, multinational illicit financial networks, leveraging bank accounts in multiple

¹³ Under Mexican laws, sportsbooks betting falls under the classification of remote betting centers, which are captured under the same type of gambling license as land-based casinos. Thus, the Gambling Establishments may offer sportsbooks and gaming services under the same license. See International Comparative Legal Guides, *Gambling Laws and Regulations Mexico 2025* (Nov. 19, 2024), <https://iclg.com/practice-areas/gambling-laws-and-regulations/mexico>.

¹⁴ According to public information, the three companies that own the Gambling Establishments are licensed by DGJS and authorized to hold permits for remote betting centers, which includes land-based casinos. Only Mexico-based companies may obtain licenses for owning gambling establishments. According to the laws and regulations applicable to SEGOB and DGJS, companies that obtain licenses to operate and hold permits for land-based casinos in Mexico are granted broad parameters for how to organize and establish their gambling activities. License-holding companies are authorized to establish as many land-based casinos as their license authorizes. Land-based casino licenses have a minimum duration of one year and a maximum of 25 years, after which they must be reauthorized for an additional 15 years at a time. A 2023 Mexican government decree changed the maximum to 15 years. Until the 2023 decree, license holders could request authorization from DGJS to jointly exploit their license with a Mexico-based sub-licensor. The decree did not apply retroactively to prevent preexisting sub-licensing structures from continued operation. See International Comparative Legal Guides, *Gambling Laws and Regulations Mexico 2025* (Nov. 19, 2024), <https://iclg.com/practice-areas/gambling-laws-and-regulations/mexico>; see also The National Law Review, *Mexico Amends Gaming Law, Bans Slot Machines* (Dec. 14, 2023), https://natlawreview.com/article/mexico-amends-gaming-law-bans-slot-machines#google_vignette. FinCEN assesses that because the Gambling Establishments are owned by three Mexico-based companies duly authorized to operate and hold permits for land-based casinos, that the Gambling Establishments are appropriately licensed and authorized to conduct gambling activities. However, the Mexican government website that explicitly lists authorized gambling establishment permits recognized by SEGOB and DGJS was not available to validate this assessment. Thus, FinCEN is incapable of conclusively confirming the permitting status of the Gambling Establishments. See DGJS website, *Number Drawing Rooms and Remote Betting Centers* (last accessed Nov. 3, 2025), www.juegosysorteos.gob.mx/es/juegos_y_sorteos/Salas_de_Sorteos_de_Numeros.

⁴ 31 U.S.C. 5318A(b)(5).

⁵ 31 U.S.C. 5318A(c)(1).

⁶ 31 U.S.C. 5318A(c)(2)(B)(i)–(iii). In addition, in the case of a finding relating to a particular jurisdiction, section 311 sets out certain “jurisdictional factors” that the Secretary may consider, which are not relevant here. See 31 U.S.C. 5318A(c)(2)(A)(i)–(vii).

⁷ 31 U.S.C. 5318A(a)(4)(A).

⁸ 31 U.S.C. 5318A(b)(5).

⁹ 31 U.S.C. 5318A(a)(4)(B)(i)–(iv).

¹⁰ The BSA, as amended, is the popular name for a collection of statutory authorities that FinCEN administers that is codified at 12 U.S.C. 1829b, 1951–1960, and 31 U.S.C. 5311–5314, 5316–5336, and includes other authorities reflected in notes thereto. Regulations implementing the BSA appear at 31 CFR Chapter X.

¹¹ See Treasury Order 180–01 (Jan. 14, 2020).

¹² As discussed in greater detail in Section III, FinCEN assesses that these ten gambling establishments have related activities and ownership, and for that reason, FinCEN will correspondingly treat them as a unitary collective.

jurisdictions, to facilitate its money laundering operations, including its joint ventures with the Sinaloa Cartel involving Mexico-based casinos. Based on non-public information available to FinCEN, for over six years, the Gambling Establishments' senior leadership has conducted transactions benefitting the Sinaloa Cartel under the instruction of Sinaloa Cartel members and affiliates.¹⁵

The Sinaloa Cartel is a drug trafficking organization (DTO), a designated Foreign Terrorist Organization (FTO), and a Specially Designated Global Terrorist (SDGT) based in Sinaloa, Mexico.¹⁶ In 2024, the Drug Enforcement Administration (DEA) described the Sinaloa Cartel as being "at the heart" of the synthetic drug crisis, including opioids, using its global supply chain network to gain access to the pill presses and precursor chemicals needed to manufacture opioids in Mexico, distribute them in the United States, and then return laundered profits back to Mexico.¹⁷ In 2009, the Sinaloa Cartel was found to be a significant foreign narcotics trafficker pursuant to the Foreign Narcotics Kingpin Act (Kingpin Act).¹⁸ The Sinaloa Cartel has used violence to murder, kidnap, and intimidate civilians, government officials, and journalists.

The United States is committed to countering DTOs, FTOs, and SDGTs, their illicit activities, and the threat they pose to U.S. national security.¹⁹ Furthermore, since DTOs are known to exploit financial institutions and agencies, including, but not limited to,

¹⁵ The financial relationship between the group controlling the operations of the Gambling Establishments and the Sinaloa Cartel is explained in greater detail in Section III.

¹⁶ Department of State, *Foreign Terrorist Organization Designations of Tren de Aragua, Mara Salvatrucha, Cartel de Sinaloa, Cartel de Jalisco Nueva Generacion, Carteles Unidos, Cartel del Noreste, Cartel del Golfo, and La Nueva Familia Michoacana*, 90 FR 10030 (Feb. 20, 2025); Department of State, *Fact Sheet, Designation of International Cartels* (Feb. 20, 2025), <https://www.state.gov/designation-of-international-cartels>.

¹⁷ See Drug Enforcement Administration, *DEA-DCT-DIR-010-24, 2024 National Drug Threat Assessment* (May 2024), p. 2, <https://www.dea.gov/sites/default/files/2024-05/5.23.2024%20NDTA-updated.pdf>.

¹⁸ The White House, *Fact Sheet: Overview of the Foreign Narcotics Kingpin Designation Act* (Apr. 15, 2009), <https://obamawhitehouse.archives.gov/the-press-office/fact-sheet-overview-foreign-narcotics-kingpin-designation-act>; Treasury's Office of Foreign Assets Control (OFAC), *Press Release, Treasury Designates Sinaloa Cartel Members Under the Kingpin Act* (Dec. 15, 2009), <https://home.treasury.gov/news/press-releases/tg444>.

¹⁹ See, e.g., Exec. Order No. 14157 of Jan. 20, 2025 (Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists), 90 FR 8439.

banks, money services businesses, and online payment processors to drive illicit financial flows,²⁰ casinos and other gambling establishments may provide similar avenues for money laundering on behalf of DTOs.

This NPRM sets forth FinCEN's finding, based on public and non-public information, that transactions involving the Gambling Establishments are a class of transactions of primary money laundering concern. Accordingly, this NPRM proposes that, under special measure five, covered financial institutions: (1) would be prohibited from opening or maintaining in the United States any correspondent account for, or on behalf of, a foreign banking institution, if such correspondent account is used to process a transaction involving any of the Gambling Establishments; and (2) would be required to apply special due diligence to any correspondent account for, or on behalf of, a foreign banking institution, that is reasonably designed to guard against the use of such accounts to process transactions involving any of the Gambling Establishments.

III. Finding That Transactions Involving the Gambling Establishments Are a Class of Transactions of Primary Money Laundering Concern

As set forth above, section 311 authorizes FinCEN, through delegated authority and in pertinent part, to make a finding "that reasonable grounds exist for concluding" that "[one] or more classes of transactions within, or involving, a jurisdiction outside of the United States" is "of primary money laundering concern."

A. The Gambling Establishments

A prerequisite to such a finding is that the relevant class of transactions is a class of transactions "within, or involving, a jurisdiction outside of the United States."²¹

The Gambling Establishments are located in Mexico and are each owned by one of three Mexico-based entertainment and sports companies. The Gambling Establishments are:

(1) *Casino Emine (San Luis Río Colorado, Sonora)*: Casino Emine is located in San Luis Río Colorado, Sonora.²²

²⁰ FinCEN, *Financial Trend Analysis, Fentanyl-Related Illicit Finance: 2024 Threat Pattern & Trend Information* (Apr. 2025).

²¹ See 31 U.S.C. 5318A(a)(1), (c).

²² Casino Emine's Facebook page states that it is located at Av. Félix Contreras 203, Comercial, 83449 San Luis Río Colorado, Sonora. See Facebook, *Emine Casino*, <https://www.facebook.com/people/Emine-Casino/61574389321589/#> (last accessed Nov. 3, 2025).

(2) *Casino Mirage (Culiacan, Sinaloa)*: Casino Mirage is located in Culiacan, Sinaloa. FinCEN assesses that Casino Mirage was later renamed "Copa Kabana Casino" based on the fact that, in January 2022, its parent company was granted permission to establish a casino in Culiacan²³ at an address that a search of Google Maps²⁴ revealed to be Copa Kabana Casino.

(3) *Midas Casino (Agua Prieta, Sonora)*: Midas Casino Agua Prieta is located in Agua Prieta, Sonora.²⁵

(4) *Midas Casino (Guamúchil, Sinaloa)*: Midas Casino Guamúchil is located in Guamúchil, Sinaloa.²⁶

(5) *Midas Casino (Los Mochis, Baja California)*: Midas Casino Los Mochis is located in Los Mochis, Sinaloa.²⁷

(6) *Midas Casino (Mazatlán, Sinaloa)*: Midas Casino Mazatlán is located in Mazatlán, Sinaloa.²⁸

²³ Gaceta Municipal, *Opinión Favorable Para un Casino* (Jan. 19, 2022), https://apps.culiacan.gob.mx/gaceta/archivos/GACETA_ENERO_2022.pdf.

²⁴ A search of Google Search revealed that Casino Mirage is located at Boulevard Enrique Sánchez Alonso, Desarrollo Urbano Tres Rios, 80034 Culiacán Rosales, Sinaloa. That search also revealed that Copa Kabana Casino was permanently closed. This address corresponds with Plaza 2255, a shopping complex. A search of Google Maps at this location shows that as of September 2023, there was a prominent sign advertising Copa Kabana Casino.

²⁵ Casino City, an independent gaming industry directory, states that Midas Casino Agua Prieta is located at Calle 5 y Avenida 21, Agua Prieta, Sonora 84269. See Casino City, *M Casino-Agua Prieta Address*, <https://www.casinocity.mx/agua-prieta/m-casino-agua-prieta/> (last accessed Nov. 3, 2025). Midas Casino Agua Prieta's Facebook page corroborates this address. See Facebook, *Midas Casino Agua Prieta*, <https://www.facebook.com/p/Midas-Casino-Agua-Prieta-100089561588120/> (last accessed Nov. 3, 2025). World Casino Directory, an independent gaming industry directory, also corroborates this address. See World Casino Directory, *Agua Prieta Casinos*, <https://www.worldcasinodirectory.com/sonora/agua-prieta> (last accessed Nov. 3, 2025).

²⁶ Midas Casino Guamúchil's Facebook page states that it is located at Boulevard Antonio Rosales 334, Morelos, Salvador Alvarado, Guamúchil, Sinaloa 81460. See Facebook, *Midas Casino Guamúchil*, https://www.facebook.com/mcasinoguamuchil/?locale=ms_MY (last accessed Nov. 3, 2025).

²⁷ The Casino City website states that Midas Casino Los Mochis is located at Boulevard Canuto Ibarra Guerrero, 1048 Monferrath, Los Mochis, Sinaloa 81248. See Casino City, *M Casino-Ahome Address*, <https://www.casinocity.mx/los-mochis/m-casino-ahome/> (last accessed Nov. 3, 2025). Midas Casino Los Mochis's Facebook page corroborates this address. See Facebook, *Midas Casino Los Mochis*, <https://www.facebook.com/cmidaslosmochis/> (last accessed Nov. 3, 2025).

²⁸ The Casino City website states that Midas Casino Mazatlán is located at La Gran Plaza local T-10, Avenida Reforma, Mazatlán, Sinaloa, 82123. See Casino City, *M Casino-Mazatlán Address*, <https://www.casinocity.mx/Mazatlán/m-casino-Mazatlán/> (last accessed Nov. 3, 2025). Midas Casino Mazatlán's Facebook page corroborates this address and specifies that it is located at #2206 La Gran Plaza local T-10, Avenida Reforma, Mazatlán, Sinaloa, 82123. See Facebook, *Midas Casino*

(7) Midas Casino (Rosarito, Baja California): Midas Casino Rosarito is located in Rosarito, Baja California.²⁹

(8) Palermo Casino (Nogales, Sonora): Palermo Casino is located in Nogales, Sonora.³⁰

(9) Skampa Casino (Ensenada, Baja California): Skampa Casino Ensenada is located in Ensenada, Baja California.³¹

(10) Skampa Casino, formerly known as Venezia Casino (Villahermosa, Tabasco): Skampa Casino Villahermosa is located in Villahermosa, Tabasco.³²

By virtue of their locations and nature of their operations, transactions by or involving the Gambling Establishments necessarily are within, or involving, Mexico, a jurisdiction outside of the United States.

For purposes of making the requisite finding of primary money laundering concern, FinCEN also considered whether to treat the Gambling Establishments as “financial institutions operating outside of the United States.” Although that phrase is used in section 311, it is not defined there, or anywhere else in the BSA. However, the BSA, as set forth in 31 U.S.C. 5312(a)(2), does define the term “financial institution.” Certain gambling establishments are considered financial institutions under section 5312(a)(2)(X). However, the ten Mexico-based gambling establishments

that are the subject of this NPRM do not meet the explicit definition set forth in section 5312(a)(2)(X).³³ FinCEN assesses that they are not licensed under the laws of any U.S. state or subdivision of a U.S. state nor are they Indian gaming operations.³⁴ FinCEN further assesses that these gambling establishments are appropriately licensed and authorized to conduct gambling activities in Mexico, *see infra* note 15. Nevertheless, the inclusion of casinos and gaming establishments generally in 31 U.S.C. 5312(a)(2)(X) is instructive in determining whether the Gambling Establishments are “financial institutions.” Utilizing its authorities under 31 U.S.C. 5312(a)(2)(Y) and 31 U.S.C. 5318A(e)(4),³⁵ FinCEN has proposed in the rulemaking to define “financial institution operating outside of the United States” to include the Gambling Establishments. These Gambling Establishments engage in activity that is very similar to “casinos” as defined in 31 U.S.C. 5312 and are located in Mexico and therefore are operating outside of the United States. Given the nature of the relationship between, transactions conducted by, and illicit finance threat posed by the Gambling Establishments, FinCEN assessed that finding a “class of transactions” involving the Gambling Establishments would be the most efficient and effective means of addressing the illicit finance threat posed by the Gambling Establishments. In addition, because section 5312(a)(2)(X) defines the term “casino, gambling casino, or gaming establishment” by reference to state and tribal law, laws that are not applicable to the 10 Mexico-based gambling establishments, those businesses are referred to as “gambling establishments” for the purposes of this NPRM to avoid unnecessary confusion.

B. Relevant Factors

Based on information available to FinCEN, including non-public reporting, and considering each of the factors discussed below, FinCEN finds that reasonable grounds exist for concluding that transactions involving

the Gambling Establishments are of primary money laundering concern. Below is a discussion of the relevant statutory institutional factors FinCEN considered in making this finding related to transactions involving these Mexico-based Gambling Establishments.

1. The Extent To Which Transactions Involving the Gambling Establishments Are Used To Facilitate or Promote Money Laundering, Including Any Money Laundering Activity by Organized Criminal Groups, International Terrorists, or Entities Involved in the Proliferation of WMD or Missiles

Based on non-public information, FinCEN assesses that transactions involving the Gambling Establishments, and their senior leadership, are used to facilitate or promote money laundering in or through jurisdictions outside the United States, including benefiting the Sinaloa Cartel. In making a finding that reasonable grounds exist for concluding that a class of transactions is of primary money laundering concern so as to authorize the imposition of special measures, FinCEN may consider the extent to which the class of transactions is “used to facilitate or promote money laundering” including “any money laundering activity by organized criminal groups, international terrorists, or entities involved in the proliferation of weapons of mass destruction or missiles.”³⁶

a. Monthly Disbursements

FinCEN’s analysis of available, non-public information determined that, in the aggregate, the Gambling Establishments facilitated the laundering of over U.S. dollar (USD) 2 million worth of illicit payments between 2017 and 2024. The volume, duration, and repetitive nature of this activity indicate that the Gambling Establishments are a substantial and enduring source of funds and facilitator of money laundering for the Sinaloa Cartel.

From 2017 through 2024, senior leadership of Midas Casino in Mazatlan, Sinaloa, made monthly disbursements of funds to the Sinaloa Cartel as part of an agreement with a highly influential Sinaloa Cartel affiliate. The payments were made by the senior leadership of Midas Casino in Mazatlan, Sinaloa, to a highly influential Sinaloa Cartel affiliate in furtherance of joint casinos ventures. Additionally, according to non-public information available to FinCEN, the operations of (1) Emine Casino in San Luis Rio Colorado, Sonora; (2) Palermo

Mazatlán <https://www.facebook.com/midascasinomazatlan/> (last accessed Nov. 3, 2025).

²⁹ Casino City states that Midas Casino Rosarito is located at Boulevard Benito Juárez 2701, Echeverría, Rosarito, Baja California 22703. *See* Casino City, *M Casino-Rosarito Address*, <https://www.casinocity.mx/rosarito/m-casino-rosarito/> (last accessed Nov. 3, 2025). Midas Casino Rosarito’s Facebook page corroborates this address. *See* Facebook, *Midas Casino Rosarito*, <https://www.facebook.com/midascasinorororositito/> (last accessed Nov. 3, 2025).

³⁰ World Casino Directory states that Palermo Casino is located at Boulevard Luis Donaldo Colosio, Kennedy, 84063, Heroica Nogales, Sonora. *See* World Casino Directory, *Palermo Casino Nogales Review*, <https://www.worldcasino.directory.com/casino/palermo-casino-nogales> (last accessed Nov. 3, 2025).

³¹ World Casino Directory states that Skampa Casino Ensenada is located at Avenida Gral Agustín Sanginés, Carlos Pacheco 4, Ensenada, Baja California 22890. *See* World Casino Directory, *Skampa Casino Review*, <https://www.worldcasino.directory.com/casino/skampa-casino> (last accessed Nov. 3, 2025). Skampa Casino Ensenada’s Facebook page corroborates this address. *See* Facebook, *Skampa Casino Ensenada*, <https://www.facebook.com/skampacasinosenenada/> (last accessed Nov. 3, 2025).

³² A search of Google Maps revealed that Skampa Casino Villahermosa is located at Periferico Carlos Pellicer Cámara, Cuadrante II, Miguel Hidalgo 2a Secc, 86127 Villahermosa, Tabasco. Casino City corroborates this address. *See* Casino City, *Venezia Casino Address*, <https://www.casinocity.mx/villahermosa/venezia-casino/> (last accessed Nov. 3, 2025). Skampa Casino Villahermosa’s Facebook page corroborates this address. *See* Facebook, *Official Venezia Casino*, <https://www.facebook.com/VeneziaCasinoficial/> (last accessed Nov. 3, 2025).

³³ *See* 31 U.S.C. 5312(a)(2)(X) (defining a casino, gambling casino, or gaming establishment by reference to state or tribal law).

³⁴ *See id.*

³⁵ *See* 31 U.S.C. 5312(a)(2)(Y) (allowing the Secretary of the Treasury to determine, by regulation, that a business or agency is a “financial institution” if it engages in any activity “which is similar to, related to, or a substitute for any activity in which any business described in this paragraph is authorized to engage”); *see also* 31 U.S.C. 5318A(e)(4) (allowing the Secretary to “define other terms for the purposes of [section 311], as the Secretary deems appropriate”).

³⁶ 31 U.S.C. 5318A(c)(2)(B)(i).

Casino in Nogales, Sonora; (3) Skampa Casino in Ensenada, Baja California; and (4) Casino Mirage in Culiacan, Sinaloa, are all overseen by the senior leadership of Midas Casino in Mazatlan, Sinaloa. Furthermore, from at least 2021 through 2023, senior leadership for Midas Casinos made monthly payments to a highly influential Sinaloa Cartel affiliate as part of an agreement related to (1) Midas Casino in Agua Prieta, Sonora; (2) Midas Casino in Guamuchil, Sinaloa; (3) Midas Casino in Los Mochis, Sinaloa; (4) Midas Casino in Mazatlan, Sinaloa; (5) Midas Casino in Rosarita, Baja California; and (6) Skampa Casino in Villahermosa, Tabasco.

b. Illicit Payments Intended To Evade Detection

For years, the Gambling Establishments, including their leadership, have also sent illicit payments to senior cartel members, with the purpose of evading detection. FinCEN assesses the Gambling Establishments' leadership received detailed instructions from the Sinaloa Cartel on ways to avoid detection from financial institutions' anti-money laundering controls. For example, as part of the agreement regarding the disbursements, the Gambling Establishments' senior leadership was directed to (1) make one or two transactions into bank accounts designated by a highly influential Sinaloa Cartel affiliate; (2) allow pick up of the disbursements, in person, by a highly influential Sinaloa Cartel affiliate at Midas Casino in Mazatlan, Sinaloa; or (3) hand the disbursements to a person designated by a highly influential Sinaloa Cartel affiliate. Furthermore, the highly influential Sinaloa Cartel affiliate instructed the Gambling Establishments' leadership to make two deposits per account, make no more than MXN 90,000 (USD 4,354) per deposit, and avoid making deposits on consecutive days to prevent the accounts from being blocked. FinCEN believes that these instructions appear similar to structuring—the breaking up of transactions into multiple, smaller ones for the intended purpose of evading recordkeeping or other regulatory requirements established by governments or financial institutions.³⁷ FinCEN further assesses these payments were part of a sophisticated operation intended to prevent documentable connections between the Gambling Establishments and the Sinaloa Cartel.

³⁷ See generally FinCEN, *Suspicious Activity Reporting (Structuring)* (July 15, 2005), <https://www.fincen.gov/resources/statutes-regulations/administrative-rulings/suspicious-activity-reporting-structuring>.

As evidence of these obfuscation efforts, casino leadership received instructions on how to complete payments to the Sinaloa Cartel, along with multiple accounts to utilize for cash deposits. In one instance, a highly influential Sinaloa Cartel affiliate provided the Gambling Establishments' leadership over 30 bank accounts in the name of Mexico-based companies into which to make cash deposits.

c. Beneficiary of Illicit Payments as a Threat to U.S. National Security

Given the various egregious factors described above, FinCEN finds that, if not disrupted, transactions involving the Gambling Establishments will continue to facilitate money laundering benefiting the Sinaloa Cartel, a DTO and U.S.-designated FTO and SDGT. Of special concern is the longstanding involvement of the Gambling Establishments' senior leadership in the facilitation of money laundering in connection with the Gambling Establishments, for the benefit of the Sinaloa Cartel—which plays a significant role in the opioid crisis in the United States. The sustained influx of fentanyl and other synthetic opioids into the United States has profound consequences, including drug overdoses becoming the leading cause of death for people aged 18 to 44 in the United States.³⁸ To address the synthetic opioid crisis, it is necessary to target the money laundering efforts of the Mexico-based DTOs that are the primary source of fentanyl and other synthetic opioids trafficked into the United States. These DTOs manufacture synthetic opioids in clandestine laboratories in Mexico using precursor chemicals sourced largely from the People's Republic of China (China), traffic these synthetic opioids into and throughout the United States, and launder the illicit profits back to Mexico.³⁹

³⁸ See Centers for Disease Control, *CDC Reports Nearly 24% Decline in U.S. Drug Overdose Deaths* (Feb. 25, 2025), <https://www.cdc.gov/media/releases/2025/2025-cdc-reports-decline-in-us-drug-overdose-deaths.html>; E.O. 14159, *Imposing Duties To Address the Synthetic Opioid Supply Chain in the People's Republic of China*, 90 FR 9121 (Feb. 7, 2025), <https://www.federalregister.gov/documents/2025/02/07/2025-02408/imposing-duties-to-address-the-synthetic-opioid-supply-chain-in-the-peoples-republic-of-china>.

³⁹ See Drug Enforcement Administration, DEA–DCT–DIR–010–24, *2024 National Drug Threat Assessment* (May 2024), pp. 46–50, <https://www.dea.gov/sites/default/files/2024-05/5.23.2024%20NDTA-updated.pdf>; FinCEN, FIN–2024–A002, *Supplemental Advisory on the Procurement of Precursor Chemicals and Manufacturing Equipment Used for the Synthesis of Illicit Fentanyl and Other Synthetic Opioids* (June 20, 2024), <https://www.fincen.gov/sites/default/files/advisory/2024-06-20/FinCEN-Supplemental-Advisory-on-Fentanyl-508C.pdf>; Congressional

These DTOs could not profit from trafficking fentanyl and other synthetic opioids if not for their ability to launder their proceeds. DTOs and third-party money launderers use a diverse array of methods to launder money, including using financial institutions, remittance payments, bulk cash smuggling, trade-based money laundering, mirror trades, and cryptocurrencies.⁴⁰ It is therefore critical to address the role that certain classes of transactions play in facilitating the money laundering that enables and facilitates the DTOs and their illicit opioid trafficking and related money laundering.

As previously described, the Sinaloa Cartel affiliate provided the Gambling Establishments' leadership with over 30 bank accounts associated with Mexico-based businesses to receive cash deposits in furtherance of their money laundering activities. FinCEN assesses these payments entered the Mexican financial system with minimal to no documented connection to its illicit origin. This poses a threat to the integrity of the U.S. financial system because of the highly interconnected nature of the U.S. and Mexican financial systems.⁴¹ In 2024 alone, U.S. goods and services trade with Mexico totaled an estimated USD 935 billion,⁴² and there are many U.S.-based banks active in the Mexican market.⁴³ Given that the money laundering activity described above was conducted using over 30 bank accounts at unidentified financial institutions, FinCEN assesses it is reasonable to believe that at least a portion of this money, benefiting the Sinaloa Cartel, a DTO and U.S.-designated FTO and SDGT, entered Mexico-based banks with direct correspondent relationships with U.S. financial institutions, indirect U.S. correspondent relationships, or with exposure to U.S. financial markets.

In addition to threatening the integrity of the U.S. financial system, the transactions involving the Gambling

Research Service, *Illicit Fentanyl and Mexico's Role* (Dec. 19, 2024), pp. 1–2, <https://crsreports.congress.gov/product/pdf/IF/IF10400>.

⁴⁰ See Drug Enforcement Administration, DEA–DCT–DIR–010–24, *2024 National Drug Threat Assessment* (May 2024), pp. 46–50, <https://www.dea.gov/sites/default/files/2024-05/5.23.2024%20NDTA-updated.pdf>.

⁴¹ See generally Department of State, *2024 Investment Climate Statements: Mexico* (last accessed Aug. 19, 2025), <https://www.state.gov/reports/2024-investment-climate-statements/mexico/>.

⁴² Office of the United States Trade Representative, *Mexico* (last accessed Aug. 19, 2025), <https://ustr.gov/countries-regions/americas/mexico>.

⁴³ International Trade Administration, *Mexico Country Commercial Guide: Trade Financing* (Nov. 5, 2023), <https://www.trade.gov/country-commercial-guides/mexico-trade-financing>.

Establishments support the Sinaloa Cartel, a U.S.-designated FTO, constituting a significant threat to U.S. national security. The Sinaloa Cartel has a well-documented history of violence and crime that threatens U.S. and Mexican persons. The Sinaloa Cartel is one of the largest and most notorious DTOs in Mexico, and traffics multi-ton quantities of illicit drugs, including fentanyl and heroin, into the United States.⁴⁴ It uses money laundering and violent crimes to conduct its operations.⁴⁵ In addition to laundering funds through the Gambling Establishments, the Sinaloa Cartel has engaged in numerous illicit finance methodologies including fuel smuggling,⁴⁶ time share fraud,⁴⁷ bulk cash smuggling, and currency arbitrage.⁴⁸ This action serves to end a longstanding source of income for the Sinaloa Cartel and expose their diverse illicit financial operations, which sustain their violent operations and drug trafficking operations, all of which pose a significant threat to the integrity of the United States' financial system.

2. The Extent To Which Transactions Involving the Gambling Establishments Are Used for Legitimate Business Purposes

In making a finding that reasonable grounds exist for concluding that a class of transactions is of primary money laundering concern so as to authorize the imposition of special measures, FinCEN may consider the extent to which the class of transactions is "used for legitimate business purposes."⁴⁹ While FinCEN does not know the full extent of legitimate business activity in which the Gambling Establishments engage, their collective, cumulative

transactional volume identified to have a nexus with illicit activity is assessed to exceed USD 2 million since 2017. FinCEN lacks insight into the nature of most of the Gambling Establishments' daily business operations, generally, and fiat currency transaction activity, more specifically, which FinCEN attributes to the Gambling Establishments' leadership obfuscating USD transactional activity using money laundering typologies, as described above.

The Gambling Establishments advertise ostensibly legitimate business services, such as gambling, gaming, and betting. FinCEN found no information indicating that the Gambling Establishments offer online gambling or online services. The Gambling Establishments' advertised services indicate some legitimate business transiting the Gambling Establishments. However, given the totality of circumstances, FinCEN assesses that the benefits of any legitimate business activities of the Gambling Establishments are outweighed by the substantial money laundering risk posed by transactions involving the Gambling Establishments.

3. The Extent To Which Action Proposed by FinCEN Would Guard Against International Money Laundering and Other Financial Crimes

In making a finding that reasonable grounds exist for concluding that a class of transactions is of primary money laundering concern so as to authorize the imposition of special measures, FinCEN may consider the extent to which such action is "sufficient to ensure" that the purpose of section 311 "continue[s] to be fulfilled, and to guard against international money laundering and other financial crimes."⁵⁰ A finding that transactions involving the Gambling Establishments are of primary money laundering concern would make clear the illicit finance risk such transactions pose to domestic financial institutions, and by extension, to their foreign correspondents. FinCEN anticipates that the imposition of special measure five may cause U.S. financial institutions, their foreign correspondent accounts, and their regulators, to act to mitigate the money laundering risks posed by transactions involving the Gambling Establishments. A prohibition under special measure five would sufficiently guard against international money laundering and other financial crimes related to the Gambling Establishments by restricting the ability of the Gambling

Establishments to access the U.S. financial system.

IV. Proposed Special Measure

Having found that transactions involving the Gambling Establishments are of primary money laundering concern, FinCEN proposes imposing a prohibition on covered financial institutions under special measure five. Special measure five authorizes the Secretary to impose conditions upon the opening or maintaining in the United States of a correspondent account or payable-through account, if a class of transactions of primary money laundering concern may be conducted through such an account.⁵¹ Although the Gambling Establishments are not known to have direct correspondent accounts with U.S. financial institutions, the Gambling Establishments may access the U.S. financial system through correspondent accounts held at foreign banking institutions. Given the seriousness of the threat posed to the United States by DTOs, FTOs, and SDGTs, and the sophisticated payment agreement between the Gambling Establishments' leadership and the Sinaloa Cartel intended to obfuscate the purpose and origin of these transactions, the imposition of special measure five is necessary to mitigate the risks posed by the transactions involving the Gambling Establishments. FinCEN considered the other special measures available under section 311. As discussed further below, it was determined that none of the other special measures would appropriately address the risks posed by transactions involving the Gambling Establishments.

In proposing this special measure, FinCEN consulted with representatives and staff of the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Secretary of State, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the National Credit Union Administration, the Federal Deposit Insurance Corporation, and the Attorney General.⁵² These consultations involved interagency views on the imposition of special measure five and the effects that such a prohibition would have on the U.S. domestic and international financial systems.

In addition, FinCEN considered the factors set forth in section 311, as set forth below.⁵³

⁴⁴ Department of the Treasury, *Treasury Uses New Sanctions Authority to Combat Global Illicit Drug Trade* (Dec. 15, 2021), <https://home.treasury.gov/news/press-releases/jy0535>.

⁴⁵ See Department of Justice, *Four of Chapo's Sons Indicted for Large-Scale Drug Trafficking, Money Laundering and Violent Crimes as Alleged Leaders of Sinaloa Cartel* (Apr. 14, 2023), <https://www.justice.gov/usao-sdca/pr/four-chapos-sons-indicted-large-scale-drug-trafficking-money-laundering-and-violent>.

⁴⁶ FinCEN, *FinCEN Alert on Oil Smuggling Schemes on the U.S. Southwest Border Associated with Mexico-Based Cartels* (May 1, 2025), <https://www.fincen.gov/sites/default/files/shared/FinCEN-Alert-Oil-Smuggling-FINAL-508C.pdf>.

⁴⁷ Federal Bureau of Investigation, *Mexican Cartels Target Americans in Timeshare Fraud Scams, FBI Warns* (June 7, 2024), <https://www.fbi.gov/news/stories/mexican-cartels-targeting-americans-in-timeshare-fraud-scams-fbi-warns>.

⁴⁸ Department of the Treasury, *Treasury Sanctions Criminal Operators and Money Launderers for the Notorious Sinaloa Cartel* (Mar. 31, 2025), <https://home.treasury.gov/news/press-releases/sb0064>.

⁴⁹ 31 U.S.C. 5318A(c)(2)(B)(ii).

⁵⁰ 31 U.S.C. 5318A(c)(2)(B)(iii).

⁵¹ 31 U.S.C. 5318A(b)(5).

⁵² See 31 U.S.C. 5318A(a)(4)(A), 31 U.S.C. 5318A(b)(5).

⁵³ 31 U.S.C. 5318A(a)(4)(B)(i)–(iv).

A. Whether Similar Action Has Been or Is Being Taken by Other Nations or Multilateral Groups Regarding the Gambling Establishments

FinCEN is aware that federal authorities in Mexico are considering actions to complement the special measure proposed by FinCEN in this NPRM. Until any such actions are taken, FinCEN is not able to assess whether the resulting impact may be as effective as the proposed special measure in insulating the U.S. financial system from the money laundering risks inherent in the Gambling Establishments.

FinCEN is not otherwise aware of any other nation or multilateral group that has imposed, or is currently imposing, similar action against transactions involving the Gambling Establishments.

FinCEN notes that it coordinated with Treasury's Office of Foreign Assets Control (OFAC) in addressing the illicit finance activity at the Gambling Establishments.

B. Whether the Imposition of Any Particular Special Measure Would Create a Significant Competitive Disadvantage, Including Any Undue Cost or Burden Associated With Compliance, for Financial Institutions Organized or Licensed in the United States

While FinCEN assesses that the prohibition proposed in this NPRM would impose a burden on covered financial institutions, that burden is not expected to be substantial and is neither undue nor inappropriate in view of the threat posed by the illicit activity facilitated by transactions involving the Gambling Establishments.

As described above, and as corroborated by non-public information, the Gambling Establishments have no direct correspondent relationships with U.S. financial institutions and instead, may access the U.S. financial system through correspondent accounts held by foreign banking institutions. To identify this type of access by illicit actors to the correspondent accounts of foreign banking institutions, covered financial institutions generally apply some level of monitoring and screening of their transactions and accounts, often through the use of commercially available software such as that used to detect potentially suspicious activity and for compliance with the sanctions programs administered by OFAC. FinCEN anticipates that covered financial institutions will be able to leverage these pre-existing monitoring and screening tools to identify whether a correspondent account is being used to

process a transaction involving any of the Gambling Establishments, for purposes of complying with the proposed application of special measure five.

As a corollary to the proposed requirement that would prohibit covered financial institutions from opening or maintaining in the United States any correspondent account for or on behalf of a foreign banking institution if such correspondent account is used to process a transaction involving any of the Gambling Establishments, covered financial institutions would also be required to take reasonable steps to apply special due diligence to all of their correspondent accounts established with a foreign banking institution to help ensure that no such account is being used to process transactions involving any of the Gambling Establishments. Included in this special due diligence is the requirement that covered financial institutions transmit a notice to all foreign correspondent account holders concerning the prohibition on processing transactions involving any of the Gambling Establishments through the U.S. correspondent account. FinCEN assesses such notices would involve a minimal burden. Additionally, as discussed above, covered financial institutions generally apply some level of transaction and account screening and monitoring for purposes of the remaining proposed special due diligence requirements. Thus, the special due diligence that would be required by this rulemaking is not expected to impose a significant additional burden upon covered financial institutions.

C. The Extent To Which the Action or the Timing of the Action Would Have a Significant Adverse Systemic Impact on the International Payment, Clearance, and Settlement System, or on Legitimate Business Activities Involving the Class of Transactions

FinCEN assesses that imposing the proposed special measure would have minimal impact upon the international payment, clearance, and settlement system. As comparatively small entities providing gambling and gaming services, none of the Gambling Establishments are relied upon by the international banking community for clearance or settlement services and none are systemically important financial institutions in Mexico, regionally, or globally.

Nothing in the proposed rule would directly impede the Gambling Establishments from continuing

legitimate business activities in the local economy following the imposition of a special measure insulating the U.S. financial system from the illegitimate activities of the Gambling Establishments. Furthermore, in light of FinCEN's finding that transactions involving the Gambling Establishments are of primary money laundering concern, FinCEN believes that any impact on the legitimate business activities of the Gambling Establishments would be outweighed by the need to protect the U.S. financial system.

D. The Effect of the Proposed Action on United States National Security and Foreign Policy

As described above, evidence available to FinCEN demonstrates that transactions involving the Gambling Establishments facilitate money laundering benefiting the Sinaloa Cartel. Imposing special measure five would: (1) impede the Gambling Establishments' access to the U.S. financial system; and (2) inhibit the Gambling Establishments' ability to act as an illicit finance facilitator for the Sinaloa Cartel. As a result, the United States national security would be enhanced by making it more difficult for terrorists and money launderers to continue their illicit activities.

E. Consideration of Alternative Special Measures

In assessing the appropriate special measure to impose, FinCEN considered alternatives to a prohibition on the opening or maintaining in the United States of correspondent accounts or payable-through accounts, including the imposition of one or more of the first four special measures, or imposing conditions on the opening or maintaining of correspondent accounts under special measure five. Having considered these alternatives and for the reasons set out below, FinCEN assesses that none of the other special measures available under section 311 would as appropriately address the risks posed by transactions involving the Gambling Establishments and the urgent need to prevent them from accessing the U.S. financial system through correspondent banking.

Transactions involving the Gambling Establishments continue to present a significant money laundering risk, particularly related to DTO, FTO, and SDGT illicit finance. Taken as a whole, the Gambling Establishments' history of facilitating money laundering benefiting the Sinaloa Cartel presents a heightened risk that transactions involving the Gambling Establishments will continue

to be used to support its violent and destabilizing activities threatening Mexican and U.S. national security.

Because of the nature, extent, and purpose of the obfuscation engaged in by the Gambling Establishments, any special measure intended to mandate additional information collection would likely be ineffective and insufficient to determine the true purpose for the transactions or the identity of the parties involved. For example, the provision under special measure one would require covered financial institutions to “maintain records, file reports, or both, concerning the aggregate amount of transactions, or concerning each transaction;”⁵⁴ FinCEN believes that such a simple recording or reporting obligation would be insufficient to counter the significant risks presented by transactions involving the Gambling Establishments, as the Sinaloa Cartel—a DTO and U.S.-designated FTO and SDGT—is the beneficiary of the money laundering involving the Gambling Establishments.

FinCEN also considered special measure two, which may require domestic financial institutions to “obtain and retain information concerning the beneficial ownership of any account opened or maintained in the United States by a foreign person.”⁵⁵ FinCEN determined that this special measure would likely be ineffective since the Gambling Establishments’ illicit activities do not involve the Gambling Establishments engaging in the opening or maintaining of accounts in the United States.

Further, the requirements under special measures three and four, that domestic financial institutions require the Gambling Establishments, as a condition of opening or maintaining a correspondent account at the domestic financial institution, to obtain additional information about customers, would be inadequate. As noted above, the Gambling Establishments do not appear to hold correspondent accounts directly in the United States.

FinCEN similarly assesses that merely imposing conditions under special measure five would be inadequate to address the risks posed by the Gambling Establishments’ activities. Special measure five allows FinCEN to impose conditions as an alternative to a prohibition on the opening or maintaining of correspondent accounts.⁵⁶ However, any measure short of prohibiting access by the Gambling Establishments to the U.S. financial

system through U.S. correspondent accounts of foreign banking institutions is insufficient to counter the risks presented by transactions involving the Gambling Establishments. FinCEN does not believe that any conditioned access to U.S. correspondent accounts, indirectly through a foreign banking institution, is warranted, given the Gambling Establishments’ facilitation of money laundering on behalf of the Sinaloa Cartel.

In sum, any condition or additional recordkeeping or reporting requirement would be an ineffective measure to safeguard the U.S. financial system from the illicit behavior facilitated by transactions involving the Gambling Establishments. Therefore, FinCEN has determined that a prohibition on transactions involving the Gambling Establishments’ use of correspondent banking relationships is the special measure available under section 311 that most adequately protects the U.S. financial system from the illicit finance risk posed by transactions involving the Gambling Establishments.

V. Severability

If any of the provisions of this rule, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect the application of such provisions to other persons or circumstances that can be given effect without the invalid provision or application.

The provisions of this rule can function sensibly if any specific provision or application is invalidated, enjoined, or stayed. For example, if a court were to hold as invalid the application of the rule with respect to transactions involving any identified Gambling Establishment of the Gambling Establishments, FinCEN would preserve the finding that transactions involving all other Gambling Establishments are of primary money laundering concern. In such an instance, the provisions of the rule should remain in effect, as those provisions could function sensibly with respect to the remainder of the Gambling Establishments’ transactions. In sum, in the event that any of the provisions of this rule, or the application thereof to any person or circumstance, is held to be invalid, FinCEN has crafted this rule with the intention to preserve its provisions to the fullest extent possible and any adverse holding should not affect other provisions.

VI. Section-by-Section Analysis

The goal of this proposed rule is to combat and deter DTO- and FTO-

affiliated money laundering and the laundering of proceeds from illicit activities including narcotics trafficking carried out by the Sinaloa Cartel, and to impede the Gambling Establishments from accessing the U.S. financial system to enable their illicit finance behavior.

A. 1010.665(a)—Definitions

1. Definition of the Gambling Establishments

This section defines the term by specific reference to the Gambling Establishments that are the subject of the finding of primary money laundering concern, and it specifically includes in the term all subsidiaries, branches, and offices of those Gambling Establishments that are operating in any jurisdiction outside of the United States:

- (i). Casino Emine (San Luis Rio Colorado, Sonora);
- (ii). Casino Mirage (Culiacan, Sinaloa);
- (iii). Midas Casino (Agua Prieta, Sonora);
- (iv). Midas Casino (Guamuchil, Sinaloa);
- (v). Midas Casino (Los Mochis, Sinaloa);
- (vi). Midas Casino (Mazatlan, Sinaloa);
- (vii). Midas Casino (Rosarito, Baja California);
- (viii). Palermo Casino (Nogales, Sonora);
- (ix). Skampa Casino (Ensenada, Baja California); and,
- (x). Skampa Casino (Villahermosa, Tabasco).

2. Definition of Correspondent Account

The term “correspondent account” has the same meaning as the definition contained in 31 CFR 1010.605(c)(1)(ii). In the case of a U.S. depository institution, this broad definition includes most types of banking relationships between a U.S. depository institution and a foreign banking institution that are established to provide regular services, dealings, and other financial transactions, including a demand deposit, savings deposit, or other transaction or asset account, and a credit account or other extension of credit. FinCEN is using the same definition of “account” for purposes of this proposed rule as is established for depository institutions in the final rule implementing the provisions of section 312 of the USA PATRIOT Act, requiring enhanced due diligence for correspondent accounts maintained for certain foreign banking institutions.⁵⁷ Under this definition, “payable-through

⁵⁴ 31 U.S.C. 5318A(b)(1)(B)(i).

⁵⁵ 31 U.S.C. 5318A(b)(2).

⁵⁶ 31 U.S.C. 5318A(b)(5).

⁵⁷ See 31 CFR 1010.605(c)(2)(i).

accounts” are a type of correspondent account.

In the case of securities broker-dealers, futures commission merchants, introducing brokers in commodities, and investment companies that are open-end companies (mutual funds), FinCEN is also using the same definition of “account” for purposes of this proposed rule as was established for these entities in the final rule implementing the provisions of section 312 of the USA PATRIOT Act, requiring due diligence for correspondent accounts maintained for certain foreign banking institutions.⁵⁸

3. Definition of Covered Financial Institution

The term “covered financial institution” is defined by reference to 31 CFR 1010.605(e)(1), the same definition used in the BSA rule (31 CFR 1010.610) requiring the establishment of due diligence programs for correspondent accounts for financial institutions. Under this definition, covered financial institutions are the following:

- a bank;
- a broker or dealer in securities;
- a futures commission merchant or an introducing broker in commodities; and
- a mutual fund.

4. Definition of Foreign Banking Institution

The term “foreign banking institution” means a bank organized under foreign law, or an agency, branch, or office located outside the United States of a bank. The term does not include an agent, agency, branch, or office within the United States of a bank organized under foreign law.

5. Definition of Foreign Financial Institution Operating Outside of the United States

Pursuant to 31 U.S.C. 5318A(e)(4), for the proposed rule, the term “financial institution operating outside of the United States” means any business or agency operating, in whole or in part, outside of the United States that engages in any activity which is similar to, related to, or a substitute for any activity in which any financial institution, as defined in 31 U.S.C. 5312(a)(2), engages.

FinCEN is including this definition as the proposed definition of “Gambling Establishments” incorporates this phrase. As discussed above, 31 U.S.C. 5312 permits FinCEN, by regulation, to define as a “financial institution” any business or activity that engages in any activity that FinCEN determines is an

activity similar to, related to, or a substitute for any activity in which any business defined as a “financial institution” in 31 U.S.C. 5312 is authorized to engage.

6. Definition of Subsidiary

The term “subsidiary” means a company of which more than 50 percent of the voting stock or an otherwise controlling interest is owned by another company.

B. 1010.665(b)—Prohibition on Use of Correspondent Accounts and Due Diligence Requirements for Covered Financial Institutions

1. Prohibition on Use of Correspondent Accounts

Section 1010.665(b)(1) of the proposed rule would prohibit covered financial institutions from opening or maintaining in the United States any correspondent account for or on behalf of a foreign banking institution if such correspondent account is used to process a transaction involving any of the Gambling Establishments.

2. Special Due Diligence for Correspondent Accounts to Prohibit Use

As a corollary to the prohibition set forth in section 1010.665(b)(1), section 1010.665(b)(2) of the proposed rule would require covered financial institutions to apply special due diligence to its correspondent accounts that is reasonably designed to guard against such accounts being used to process transactions involving the Gambling Establishments. That special due diligence must include notifying those foreign correspondent account holders that the covered financial institution knows or has reason to believe provide services to the Gambling Establishments that those foreign banking institutions may not provide the Gambling Establishments with access to the correspondent account maintained at the covered financial institution. This section specifies that a covered financial institution would be able to satisfy this notification requirement by using the following notice:

Notice: Pursuant to U.S. regulations issued under Section 311 of the USA PATRIOT Act, see 31 CFR 1010.665, we are prohibited from opening or maintaining in the United States a correspondent account that is established, maintained, administered, or managed for, or on behalf of, a foreign banking institution if such correspondent account is used to process a transaction involving Midas Casino (Mazatlan, Sinaloa), Midas Casino (Guamuchil, Sinaloa), Midas Casino (Agua Prieta, Sonora), Midas Casino (Los Mochis, Sinaloa), Midas Casino (Rosarito, Baja

California), Skampa Casino (Villahermosa, Tabasco), Emine Casino (San Luis Rio Colorado, Sonora), Palermo Casino (Nogales, Sonora), Skampa Casino (Ensenada, Baja California), or Casino Mirage (Culiacan, Sinaloa), including any subsidiaries, branches, and offices of the above-listed gambling establishments. The regulations also require us to notify you that you may not provide any of the above-listed gambling establishments, including any of their respective subsidiaries, branches, and offices, with access to the correspondent account you hold at our financial institution. If we become aware that the correspondent account you hold at our financial institution has processed any transactions involving any of the above-listed gambling establishments, including any of their respective subsidiaries, branches, and offices, we will be required to take appropriate steps to prevent such access, including terminating your account.

The purpose of the notice requirement is to aid cooperation with correspondent account holders in preventing transactions involving the Gambling Establishments from accessing the U.S. financial system. FinCEN does not require or expect a covered financial institution, as part of its compliance with this notice requirement, to obtain certification from any of its correspondent account holders that access will not be provided.

Methods of compliance with the notice requirement could include, for example, transmitting a notice by mail, fax, or email. The notice should be transmitted whenever a covered financial institution knows or has reason to believe that a foreign correspondent account holder provides services to the Gambling Establishments.

Special due diligence also includes implementing risk-based procedures designed to identify any use of correspondent accounts to process transactions involving the Gambling Establishments. A covered financial institution would be expected to apply an appropriate screening mechanism to identify a funds transfer order that on its face listed one or more of the ten Gambling Establishments as the financial institution of the originator or beneficiary or otherwise referenced the Gambling Establishments in a manner detectable under the financial institution’s normal screening mechanisms. An appropriate screening mechanism could be the mechanisms used by a covered financial institution to comply with various legal requirements, such as use of commercially available software programs that are already being used to comply with the economic sanction programs administered by OFAC.

⁵⁸ See 31 CFR 1010.605(c)(2)(ii)–(iv).

3. Recordkeeping and Reporting

Section 1010.665(b)(3) of the proposed rule would clarify that the proposed rule does not impose any reporting requirement upon any covered financial institution that is not otherwise required by applicable law or regulation. A covered financial institution must, however, document its compliance with the notification requirement described above in section 1010.665(b)(2).

VII. Request for Comments

FinCEN is requesting that comments on this NPRM be submitted within 30 days after its publication. Given the Gambling Establishments' consistent and longstanding ties to the Sinaloa Cartel, FinCEN assesses that a 30-day comment period for this NPRM strikes an appropriate balance between ensuring sufficient time for notice to the public and opportunity for comment on the proposed rule, while minimizing undue risk posed to the U.S. financial system in processing illicit transfers that are likely to finance the Sinaloa Cartel. FinCEN invites comments on all aspects of the proposed rule, including the following specific matters:

1. The impact of the proposed special measures upon legitimate transactions involving the Gambling Establishments or Mexican financial institutions generally;

2. FinCEN's proposal to prohibit the opening or maintaining of any correspondent account used to process a transaction involving the Gambling Establishments pursuant to special measure five under 31 U.S.C. 5318A(b), as opposed to imposing special measures one through four, or imposing other conditions or prohibitions under special measure five;

3. The form and scope of the notice to certain correspondent account holders that would be required under the rule;

4. The appropriate scope of the due diligence requirements in this proposed rule; and

5. The appropriate steps that a covered financial institution should take once it identifies use of one of its correspondent accounts to process transactions involving the Gambling Establishments.

VIII. Regulatory Impact Analysis

FinCEN has analyzed this proposed rule under Executive Orders 12866, 13563, the Regulatory Flexibility Act,⁵⁹

the Unfunded Mandates Reform Act,⁶⁰ and the Paperwork Reduction Act.⁶¹

The intended effects of the imposition of special measure five on the Gambling Establishments' transactions that, directly or indirectly, involve the use of foreign correspondent accounts with covered financial institutions, as described above, are twofold. The rule is expected to: (1) combat and deter money laundering by the Sinaloa Cartel through the Gambling Establishments; and (2) prevent the Gambling Establishments from using the U.S. financial system to enable their illicit finance activities. In the analysis below, FinCEN discusses the economic effects that are expected to accompany adoption of the rule as proposed and assesses such expectations in more granular detail. This discussion includes an explanation of how FinCEN's assumptions and methodological choices have influenced FinCEN's conclusions. The public is invited to comment on all aspects of FinCEN's practice.⁶²

A. Executive Orders

Executive Orders 12866 and 13563 direct agencies to assess 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, reducing costs, harmonizing rules, and promoting flexibility.

A regulatory impact analysis pursuant to Executive Orders 12866 and 13563 is not required because it has been determined that this proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866. The basis for this determination includes both the estimated size of the population of expected affected parties and the estimated incremental economic costs the proposed rule is expected to impose.

As discussed in further detail below,⁶³ of the 15,710 entities that meet the proposed definitional criteria as covered financial institutions,⁶⁴ FinCEN estimates that only approximately 127

maintain correspondent accounts to which the proposed rule would apply.⁶⁵

Additionally, as described above,⁶⁶ the incremental activities an affected covered financial institution would need to undertake to comply with the proposed rule are so aligned with pre-existing general anti-money laundering and countering the financing of terrorism (AML/CFT) program and suspicious activity report (SAR) reporting requirements, other section 311 compliance activities, OFAC compliance obligations,⁶⁷ and other specialized foreign correspondent account due diligence activities that the additional burden is expected to be minimal both per affected covered financial institution and on aggregate.

B. Regulatory Flexibility Act

When an agency issues a rulemaking proposal, the Regulatory Flexibility Act (RFA) requires the agency to "prepare and make available for public comment an initial regulatory flexibility analysis" (IRFA) that will "describe the impact of the proposed rule on small entities."⁶⁸ However, section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

The population of affected covered financial institutions under the proposed rule is limited to those financial institutions that maintain foreign correspondent accounts. FinCEN is not in possession of any data, studies, or qualitative evidence that any such covered financial institution meets the respective definitional criteria to be deemed a "small entity" under the RFA.⁶⁹ Moreover, FinCEN assesses that, if such a small entity did exist, the changes in activity necessary to comply with proposed rule would be unlikely to have a significant economic impact on such entity.

Under the proposed rule, covered financial institutions would be prohibited from opening or maintaining any correspondent account in the United States that is used to process a transaction involving any of the Gambling Establishments and would

⁵⁹ See *supra* Section VI.A.2.

⁶⁰ See *supra* Section IV.B; see also *supra* Section VI.B.2.

⁶¹ All U.S. persons, including U.S. financial institutions, currently must comply with OFAC sanctions, and U.S. financial institutions generally have systems in place to screen transactions to comply with OFAC sanctions.

⁶² 5 U.S.C. 603(a).

⁶³ See 5 U.S.C. 601(3)–(5) for the applicable categorical definitions of "entity"; see also 13 CFR 121.201 for the applicable threshold values of "small."

⁶⁰ 2 U.S.C. 1532.

⁶¹ 44 U.S.C. 3507(a)(1)(D).

⁶² See *supra* Section VII; see also *infra* Section VIII.D.

⁶³ See *infra* Section VIII.D. discussion of potentially affected parties and expected affected parties.

⁶⁴ See *supra* Section VI.A.3.

⁵⁹ 5 U.S.C. 603.

also be required to take reasonable measures to prevent use of their correspondent accounts to process transactions involving any of the Gambling Establishments. Affected U.S. financial institutions, irrespective of size, are already obligated to comply with broader regulatory requirements, and they typically maintain compliance systems that can utilized to ensure compliance with this proposed rule. As a result, the special due diligence that would be required under the proposed rule—*i.e.*, preventing the processing of transactions involving any the Gambling Establishments and the transmittal of notification to certain correspondent account holders—is not expected to impose a significant additional economic burden upon any U.S. financial institution, including any that would qualify as a small entity under the RFA. For these reasons, FinCEN certifies that the proposals contained in this rulemaking would not have a significant impact on a substantial number of small businesses.

Its own determination notwithstanding, FinCEN invites comments from members of the public who believe certification is not appropriate because there would be a significant economic impact on a substantial number of small entities from the imposition of a prohibition under the fifth special measure on the Gambling Establishments as defined.

C. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 ⁷⁰ (Unfunded Mandates Reform Act), requires that an agency prepare a

budgetary impact statement before promulgating a rule that may result in expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of USD 100 million or more in any one year, adjusted for inflation.⁷¹ If a budgetary impact statement is required, section 202 of the Unfunded Mandates Reform Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule.⁷²

FinCEN has determined that this proposed rule will not result in expenditures by state, local, and tribal governments in the aggregate, or by the private sector, of an annual USD 100 million or more, adjusted for inflation (USD 187 million).⁷³ Accordingly, FinCEN has not prepared a budgetary impact statement. The regulatory alternatives considered are discussed above.⁷⁴

D. Paperwork Reduction Act

The recordkeeping requirements contained in this proposed rule, which qualify as “collections of information” under the Paperwork Reduction Act of 1995 ⁷⁵ (PRA), will be submitted to the Office of Management and Budget (OMB) for review in accordance with the PRA. Under the PRA, an agency may not conduct or sponsor a collection of information unless it obtains and displays a valid control number assigned by the OMB.⁷⁶ Written comments and recommendations for the proposed prohibition can be submitted by visiting www.reginfo.gov/public/do/PRAMain. Find this particular document by selecting “Currently under

Review—Open for Public Comments” or by using the search function. Comments are welcome and must be received by December 17, 2025. In accordance with requirements of the PRA and its implementing regulations, 5 CFR part 1320, the following information concerning the collection of information as required by 31 CFR 1010.665 is presented to assist those persons wishing to comment on the information collections.

The provisions in this proposed rule pertaining to the collection of information can be found in sections 1010.665(b)(2)(i)(A) and 1010.665(b)(3). The notification requirement in section 1010.665(b)(2)(i)(A) is intended to aid cooperation from foreign correspondent account holders in preventing transactions involving the Gambling Establishments from being processed by the U.S. financial system. The information required to be maintained by section 1010.665(b)(3) will be used by federal agencies and certain self-regulatory organizations to verify compliance by covered financial institutions with the notification requirement in section 1010.665(b)(2)(i)(A). The collection of information would be mandatory.

Frequency: As required.
Description of Affected Financial Institutions: Only those covered financial institutions defined in section 1010.665(a)(3) that are engaged in processing transactions potentially involving the Gambling Establishments as defined in section 1010.665(b)(1) would be affected.

Estimated Number of Potential Respondents: Approximately 15,710.⁷⁷

TABLE 1—ESTIMATES OF COVERED FINANCIAL INSTITUTIONS BY TYPE

Financial institution type	Number of entities
Banks with a federal functional regulator (FFR) ^a	^b 8,995
Banks without an FFR ^c	^d 395
Broker-dealers in securities ^e	^f 3,320
Open end mutual funds ^g	^h 2,036
Futures commission merchants ⁱ	^j 65
Introducing brokers in commodities ^k	^l 899

^a See 31 CFR 1010.100(t)(1); *see also* 31 CFR 1010.100(d).
^b Bank data is as of Jan. 17, 2025, from Federal Deposit Insurance Corporation BankFind, <https://banks.data.fdic.gov/bankfind-suite/bankfind>. Credit union data is as of September 2024 from the National Credit Union Administration Quarterly Data Summary Reports, <https://ncua.gov/analysis/credit-union-corporate-call-report-data/quarterly-data-summary-reports>.
^c 31 CFR 1020.210(b).

⁷⁰ 2 U.S.C. 1532.
⁷¹ *Id.*
⁷² *Id.*
⁷³ The Unfunded Mandates Reform Act requires an assessment of mandates that will result in an annual expenditure of USD 100 million or more, adjusted for inflation. The U.S. Bureau of Economic Analysis reports the annual value of the gross domestic product (GDP) deflator for calendar year

1995, the year of the Unfunded Mandates Reform Act, as 66.939, and as 125.428 for the calendar year 2024, the most recent available. *See* U.S. Bureau of Economic Analysis, *Table 1.1.9. Implicit Price Deflators for Gross Domestic Product*, <https://www.bea.gov/itable/> (last accessed Oct. 3, 2025). Thus, the inflation adjusted estimate for USD 100 million is 125.428/66.939 × 100 = USD 187.377 million.

⁷⁴ *See supra* Section IV.E.
⁷⁵ 44 U.S.C. 3507(a)(1)(D).
⁷⁶ 44 U.S.C. 3507(a)(3).
⁷⁷ This estimate is informed by public and non-public data sources regarding both an expected maximum number of entities that may be affected and the number of active, or currently reporting, registered financial institutions.

^d The Board of Governors of the Federal Reserve System Master Account and Services Database contains data on financial institutions that utilize Reserve Bank financial services, including those with no federal regulator. FinCEN used this data to identify 395 banks and credit unions utilizing Reserve Bank financial services with no federal regulator. See Board of Governors of the Federal Reserve System, Master Account and Services Database, <https://www.federalreserve.gov/paymentsystems/master-account-and-services-database-existing-access.htm>.

^e 31 CFR 1010.100(t)(2).

^f According to the Securities and Exchange Commission (SEC), there are 3,320 broker-dealers in securities as of March 2025 from website "Company Information About Active Broker-Dealers," <https://www.sec.gov/foia-services/frequently-requested-documents/company-information-about-active-broker-dealers>.

^g See 31 CFR 1010.100(t)(10); see also 31 CFR 1010.100(gg).

^h According to the SEC, in 2024 there were 2,036 open-end registered investment companies that report on Form N-CEN. SEC, "Form N-CEN Data Sets," <https://www.sec.gov/dera/data/form-ncen-data-sets>.

ⁱ 31 CFR 1010.100(t)(8).

^j According to the Commodity Futures Trading Commission (CFTC), there are 65 futures commission merchants as of November 30, 2024. See CFTC, "Financial Data for FCMs," <https://www.cftc.gov/MarketReports/financialfcmdata/index.htm>.

^k 31 CFR 1010.100(t)(9).

^l According to the National Futures Association, there are 899 introducing brokers in commodities as of Dec. 31, 2024 from website "NFA Membership Totals," <https://www.nfa.futures.org/registration-membership/membership-and-directories.html>.

Estimated Number of Expected Respondents: Approximately 127.⁷⁸

TABLE 2—ESTIMATES OF AFFECTED FINANCIAL INSTITUTIONS BY TYPE

Financial institution type	Number of entities
Banks with a FFR	^a 60
Banks without a FFR	^b 17
Broker-dealers in securities	^c 26
Open end mutual funds	^d 16
Futures commission merchants	^e 1
Introducing brokers in commodities	^f 7

^a Data are from the FFIEC Central Data Repository for Reports of Condition and Income (Call Reports) and Uniform Bank Performance Reports (UBPRs), available for most FDIC-insured institutions. Using this source of data, FinCEN determines that as of Q3 2024, approximately 60 banks (as defined by FinCEN regulations, see 31 CFR 1010.100(d)) will be affected by this rule on any given year. Specifically, we determine that there are approximately 60 banks that report non-zero values for deposit liabilities of banks in foreign countries. Deposit liabilities in a foreign country is an indication that a bank maintains correspondent accounts with a foreign financial institution.

^b The Board of Governors of the Federal Reserve System Master Account and Services Database contains data on financial institutions that utilize Reserve Bank financial services, including those with no federal regulator. FinCEN used this data to identify an additional 17 international banking entities with no federal regulator and that do not file Call Reports, but that are also likely to maintain correspondent accounts with a foreign financial institution.

^c Broker dealers, unless they are publicly traded, are not required to make reports indicating whether they have foreign correspondent accounts or hold foreign deposits. FinCEN reviewed financial statement data from 10-Q and 6-K filings with the SEC and identified nine publicly traded broker dealers with US operations that reported foreign deposits. FinCEN also examined SARs filed by broker dealers in 2024 to identify another two non-publicly traded broker dealers who appeared likely to be maintaining foreign deposits. However, because many broker dealers are not publicly traded and did not file SARs, FinCEN conservatively estimates that the proportion of broker dealers with foreign correspondent accounts will be similar to the proportion for banks (approximately 0.8%). 0.8% of 3,320 active broker dealers is approximately 26 broker dealers assumed to have foreign correspondent accounts.

^d Mutual funds, futures commission merchants, and introducing brokers in commodities generally use intermediary U.S. banks to move and maintain client deposits and funds for investment. Therefore, it is unlikely that many of these institutions will maintain direct correspondent accounts with foreign financial institutions outside of their existing upstream banking relationships. However, because these institutions may in some cases receive deposits from, make payments or other disbursements, or otherwise transact directly with foreign financial institutions, FinCEN conservatively estimates that the proportion of mutual funds with foreign correspondent accounts will be similar to the proportion for banks (approximately 0.8%). 0.8% of 2,036 active mutual funds is approximately 16 mutual funds assumed to have foreign correspondent accounts.

^e 0.8% of 65 active futures commission merchants is approximately one futures commission merchant assumed to have foreign correspondent accounts.

^f 0.8% of 899 active introducing brokers in commodities is approximately seven introducing brokers in commodities assumed to have foreign correspondent accounts.

Estimated Average Annual Burden in Hours per Affected Financial Institution:

Imposing special measure five requirements as described in this proposed rule is expected to result in a new, incremental recordkeeping burden on certain covered financial institutions as described above. Each anticipated component of this is outlined below.

Each affected covered financial institution is expected to incur a

recordkeeping burden associated with preparing and retaining the materials necessary to demonstrate compliance with the proposed requirements. This is expected to include records related to:

A. Documenting the reasonable steps the financial institution undertakes to ensure no transactions involving any of the Gambling Establishments are processed for a foreign correspondent account, including:

1. Any investigative activities undertaken when the financial institution knows or has reason to believe that a foreign bank's correspondent account has been or is being used to process transactions involving any of the Gambling Establishments.

2. Any subsequent activities undertaken to prevent such access, including, where necessary, termination of the correspondent account.

⁷⁸ While this regulation applies to all covered institutions described in Table 1, in practice the burden will only fall on those institutions that actually maintain correspondent accounts for

foreign banking institutions. Table 2 below presents an estimate of this subpopulation of banks, brokers or dealers in securities, mutual funds, futures commission merchants, and introducing brokers in

commodities based on data from the most recent calendar year end.

B. Notifying, and documenting that the financial institution has provided notice to, foreign correspondent account holders that the financial institution knows or has reason to believe provide services to any of the Gambling Establishments, that such correspondents may not provide any of the Gambling Establishments with access to the correspondent account maintained at the financial institution.

C. Documenting the reasonable steps it took with respect to special due diligence requirements, including but not limited to, the reasoning that informed decisions to adopt (or not adopt) new measures adding to its existing risk-based approach, and those new measures, if adopted.

The estimated average annual burden associated with the collection of information in this proposed rule in the first year of operations is, in total, one business day, or eight hours per affected financial institution.

Estimated Total Annual Burden in Year One: Approximately 1,016 hours.⁷⁹

Estimated Total Annual Cost in Year One: Approximately \$121,920.⁸⁰

In subsequent years, FinCEN estimates that the average annual burden associated with the collection of information will be significantly reduced.⁸¹ FinCEN expects that the ongoing burden of compliance with FinCEN special measures would primarily accrue in connection with the opening of new foreign correspondent accounts, at which point a covered financial institution would need to

ensure that new account holders receive information on entities subject to special measures and agree not to conduct transactions on their behalf. FinCEN has previously estimated that financial institutions that maintain foreign correspondent accounts will open an average of 10 new accounts per year.⁸² FinCEN expects the time burden of special measure compliance associated with these new accounts will not exceed 15 minutes (0.25 hours) per affected financial institution.

Table 3 presents a summary of FinCEN's estimates of PRA Burden as expected to accrue during the first three years in which the final rule is effective and provides a basis for the expected average annual costs as estimated over the same time horizon.

TABLE 3—PRA THREE-YEAR PRO FORMA BURDEN ESTIMATES

Year	Number of respondents	Hours per respondent	Total burden hours
1	127	8.00	1,016.00
2	127	0.25	31.75
3	127	0.25	31.75
Average	127	2.83	359.83

Estimated Three-Year Average Aggregate Annual Burden: Approximately 360⁸³ hours on average, per year.

Estimated Three-Year Average Aggregate Annual Cost: Approximately \$43,277.16.⁸⁴

FinCEN invites comments on: (1) whether the proposed collection of information found in 31 CFR 1010.665(b)(3) is necessary for the proper performance of the mission of FinCEN, including whether the information would have practical utility; (2) the accuracy of FinCEN's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information required to be maintained; (4) ways to minimize the burden of the required collection of information, including through the use

of automated collection techniques or other forms of information technology; and (5) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to report the information.

IX. Regulatory Text

List of Subjects in 31 CFR Part 1010

Administrative practice and procedure, Banks, Banking, Brokers, Crime, Foreign banking, Terrorism.

Authority and Issuance

For the reasons set forth in the preamble, FinCEN proposes amending 31 CFR part 1010 as follows:

PART 1010—GENERAL PROVISIONS

■ 1. The authority citation for part 1010 continues to read as follows:

directly comparable to its eleven categories of covered financial institutions as delineated in 31 CFR parts 1020 to 1030. The benefit factor is 1 plus the benefit/wages ratio, where as of June 2023, Total Benefits = 29.4 and Wages and salaries = 70.6 (29.4/70.6 = 0.42) based on the private industry workers series data downloaded from https://www.bls.gov/news.release/archives/ecec_09122023.pdf (accessed Dec. 22, 2024). Given that many occupations provide benefits beyond cash wages (e.g., insurance, paid leave, etc.), the private sector benefit is applied to reflect the total cost to the employer. 1,016 total annual burden hours multiplied by \$120 per hour equals a total annual cost of \$121,920.

⁸¹ See *supra* Section VI.B. discussion of how compliance with the final rule is expected to be integrated into covered financial institutions'

Authority: 12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314, 5316–5336; title III, sec. 314, Pub. L. 107–56, 115 Stat. 307; sec. 2006, Pub. L. 114–41, 129 Stat. 457; sec. 701 Pub. L. 114–74, 129 Stat. 599; sec. 6403, Pub. L. 116–283, 134 Stat. 3388.

■ 2. Add 1010.665 to read as follows:

§ 1010.665 Special measures regarding the Gambling Establishments.

(a) *Definitions.* For purposes of this section, the following terms have the following meanings.

(1) *Gambling Establishments.* The term “Gambling Establishments” means the following 10 financial institutions operating outside of the United States that engage in activity in Mexico which is similar to, related to, or a substitute for activities in which casinos, gambling casinos, and/or gaming establishments, as defined in 31 U.S.C. 5312(a)(2)(X), engage, as well as all subsidiaries,

broader OFAC sanctions and 311 special measures compliance activities.

⁸² See FinCEN, *Renewal Without Change of Prohibition on Correspondent Accounts for Foreign Shell Banks; Records Concerning Owners of Foreign Banks and Agents for Service of Legal Process*, 90 FR 21987 at 21994 (May 22, 2025), <https://www.federalregister.gov/d/2025-09162/p-134>.

⁸³ This estimate is the average of 1,016 expected burden hours in year one of implementation and 31.75 hours in years two and three, respectively, rounded to the nearest whole hour.

⁸⁴ An average annual burden of 63.5 hours over 3 years multiplied by \$120.07 per hour equals an average annual cost of \$43,277.16.

⁷⁹ 127 expected respondents multiplied by eight hours per respondent equals 1,016 total annual burden hours.

⁸⁰ The wage rate applied here is a general composite hourly wage (\$84.55), scaled by a private-sector benefits factor of 1.42 (\$120.07 = \$84.55 × 1.42), that incorporates the mean wage data (available for download at <https://www.bls.gov/oes/tables.htm>, “May 2023—National industry-specific and by ownership”) associated with the six occupational codes (11–1010: Chief Executives; 11–3021: Computer and Information Systems Managers; 11–3031: Financial Managers; 13–1041: Compliance Officers; 23–1010: Lawyers and Judicial Law Clerks; 43–3099: Financial Clerks, All Other) for each of the nine groupings of NAICS industry codes that FinCEN determined are most

branches, and offices of those gambling establishments operating as in any jurisdiction outside of the United States:

- (i) Casino Emine (San Luis Rio Colorado, Sonora);
- (ii) Casino Mirage (Culiacan, Sinaloa);
- (iii) Midas Casino (Agua Prieta, Sonora);
- (iv) Midas Casino (Guamuchil, Sinaloa);
- (v) Midas Casino (Los Mochis, Sinaloa);
- (vi) Midas Casino (Mazatlan, Sinaloa);
- (vii) Midas Casino (Rosarito, Baja California);
- (viii) Palermo Casino (Nogales, Sonora);
- (ix) Skampa Casino (Ensenada, Baja California); and,
- (x) Skampa Casino (Villahermosa, Tabasco).

(2) *Correspondent account*. The term “correspondent account” has the same meaning as provided in 1010.605(c)(1)(ii).

(3) *Covered financial institution*. The term “covered financial institution” has the same meaning as provided in 1010.605(e)(1).

(4) *Foreign banking institution*. The term “foreign banking institution” means a bank organized under foreign law, or an agency, branch, or office located outside the United States of a bank. The term does not include an agent, agency, branch, or office within the United States of a bank organized under foreign law.

(5) *Financial institution operating outside of the United States*. The term “financial institution operating outside of the United States” means any business or agency operating, in whole or in part, outside of the United States that engages in any activity which is similar to, related to, or a substitute for any activity in which any financial institution, as defined in 31 U.S.C. 5312(a)(2), engages.

(6) *Subsidiary*. The term “subsidiary” means a company of which more than 50 percent of the voting stock or an otherwise controlling interest is owned by another company.

(b) *Prohibition on accounts and due diligence requirements for covered financial institutions*.

(1) *Prohibition on use of correspondent accounts*. A covered financial institution shall not open or maintain in the United States a correspondent account that is established, maintained, administered, or managed for, or on behalf of, a foreign banking institution if such correspondent account is used to process a transaction involving any of the Gambling Establishments.

(2) *Special due diligence of correspondent accounts to prohibit use*.

(i) A covered financial institution shall apply special due diligence to its foreign correspondent accounts that is reasonably designed to guard against their use to process transactions involving any of the Gambling Establishments. At a minimum, that special due diligence must include:

(A) Notifying those foreign correspondent account holders that the covered financial institution knows or has reason to believe provide services to any of the Gambling Establishments that such correspondents may not provide any of the Gambling Establishments with access to the correspondent account maintained at the covered financial institution; and

(B) Taking reasonable steps to identify any use of its foreign correspondent accounts by any of the Gambling Establishments, to the extent that such use can be determined from transactional records maintained in the covered financial institution’s normal course of business.

(ii) A covered financial institution shall take a risk-based approach when deciding what, if any, other due diligence measures it reasonably must adopt to guard against the use of its foreign correspondent accounts to process transactions involving any of the Gambling Establishments.

(iii) A covered financial institution that knows or has reason to believe that a foreign bank’s correspondent account has been or is being used to process transactions involving any of the Gambling Establishments shall take all appropriate steps to further investigate and prevent such access, including the notification of its correspondent account holder under paragraph (b)(2)(i)(A) of this section and, where necessary, termination of the correspondent account.

(3) *Recordkeeping and reporting*.

(i) A covered financial institution is required to document its compliance with the notification requirement set forth in paragraph (b)(2)(i)(A) of this section.

(ii) Nothing in paragraph (b) of this section shall require a covered financial institution to report any information not otherwise required to be reported by law or regulation.

Dated: November 13, 2025.

Andrea M. Gacki,

Director, Financial Crimes Enforcement Network.

[FR Doc. 2025–19927 Filed 11–14–25; 8:45 am]

BILLING CODE 4810–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2024–0031; FRL–12970–01–R6]

Air Plan Approval; Oklahoma; Updates to the State Implementation Plan for New Source Review Permitting and General SIP Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve identified portions of revisions to the Oklahoma State Implementation Plan (SIP) submitted by the State of Oklahoma designee between 2002 and 2025 to update the Oklahoma New Source Review (NSR) permit program and make general updates to the Oklahoma SIP.

DATES: Written comments must be received on or before December 17, 2025.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2024–0031, at <https://www.regulations.gov> or via email to wiley.adina@epa.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact Adina Wiley, telephone number (214) 665–2115, email address: wiley.adina@epa.gov. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

Docket: The index to the docket for this action is available electronically at <https://www.regulations.gov>. While all

documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (e.g., CBI).

FOR FURTHER INFORMATION CONTACT:

Adina Wiley, EPA Region 6 Office, Air Permits Section (ARPE), telephone number: (214) 665–2115, email address: wiley.adina@epa.gov. We encourage the public to submit comments via <https://www.regulations.gov>. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we,” “us,” or “our” is used, we mean the EPA.

I. Background

Section 110 of the Act requires states to develop air pollution regulations and control strategies to ensure that air quality meets the EPA’s National Ambient Air Quality Standards (NAAQS). These ambient standards are established under section 109 of the Act and they currently address six criteria pollutants: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. The state’s air regulations are contained in its SIP, which is basically a clean air plan. Each state is responsible for developing SIPs to demonstrate how the NAAQS will be achieved, maintained, and enforced. The SIP must be submitted to the EPA for approval and any changes a state makes to the approved SIP also must be submitted to the EPA for approval. When reviewing SIP submissions, the EPA’s role is to approve state choices provided they meet the criteria of the CAA, and the applicable federal regulations pertaining to the specific submitted revision(s) being acted on.

Section 110(a)(2)(C) of the CAA requires states to develop and submit to the EPA for approval into the SIP, preconstruction review and permitting programs applicable to certain new and modified stationary sources of air pollutants for attainment/unclassifiable and nonattainment areas that cover both major and minor new sources and modifications, collectively referred to as the NSR SIP. The CAA NSR SIP program is composed of three separate programs: Prevention of Significant Deterioration (PSD), Nonattainment New Source Review (NNSR), and minor NSR. PSD is established in part C of title I of the CAA and applies in areas that meet the NAAQS—“attainment areas”—as well as areas where there is insufficient information to determine if the area meets the NAAQS—“unclassifiable areas.” The NNSR

program is established in part D of title I of the CAA and applies in areas that are not in attainment of the NAAQS—“nonattainment areas.” The minor NSR program addresses construction or modification activities that do not emit, or have the potential to emit, beyond certain major source/major modification thresholds and thus do not qualify as “major” and applies regardless of the designation of the area in which a source is located. The EPA regulations governing criteria that states must satisfy for EPA approval of their NSR programs as part of the SIP are contained in 40 CFR 51.160–51.166. The requirements at 40 CFR 51.160–51.164 apply generally to all preconstruction permitting programs and establish the minimum requirements for minor NSR programs that cover the construction and modification of minor sources and minor modifications to existing major stationary sources. Requirements specific to construction of new stationary sources and major modifications in nonattainment areas are codified in 40 CFR 51.165 for the NNSR program. Requirements for permitting of new stationary sources and major modifications in attainment areas subject to PSD, including additional public participation requirements, are found at 40 CFR 51.166.

Title V of the CAA requires states to develop and submit to the EPA for approval, operating permit programs for major sources of air pollution and certain other sources. The EPA regulations governing criteria that states must satisfy for EPA approval of the title V permitting programs are contained in 40 CFR part 70.

The Oklahoma air quality permit program addresses the CAA title I and title V permitting requirements through the Oklahoma implementing regulations in Oklahoma Administrative Code (OAC), Title 252—Department of Environmental Quality, Chapter 4—Rules of Practice and Procedure, and Chapter 100—Air Pollution Control. This proposed rulemaking will address the following revisions to the Oklahoma SIP to update the Oklahoma NSR program and make general updates to the Oklahoma SIP. Portions of the submitted Oklahoma regulations that are severable and specific to the Oklahoma title V permitting program will be addressed by the EPA in a separate, title V specific action.

- By letter dated February 14, 2002, Mr. Brian C. Griffin, Oklahoma Secretary of Environment, submitted revisions to the Oklahoma SIP. This submittal was received by the EPA on March 5, 2002. The submittal includes

updates and amendments to Oklahoma Administrative Code (OAC) 252, Chapter 100. The EPA has acted on all aspects of this submittal except for the portions pertaining to minor NSR changes at major NSR sources.

- By letter dated June 24, 2010, Mr. J.D. Strong, Oklahoma Secretary of Environment, submitted revisions to the Oklahoma SIP. This submittal was received by the EPA on June 30, 2010. This proposed rulemaking addresses the updates and amendments to the Oklahoma major source permit program at OAC 252:100, Subchapter 8.

- By letter dated July 16, 2010, Mr. J.D. Strong, Oklahoma Secretary of Environment, submitted revisions to the Oklahoma SIP. This submittal was received by the EPA on July 27, 2010. This proposed rulemaking evaluates the revisions to OAC 252:100–5–1.1 adopted on May 1, 2009, effective July 1, 2009. The EPA has taken separate actions on all other submitted revisions.

- By letter dated July 16, 2010, Mr. J.D. Strong, Oklahoma Secretary of Environment, submitted revisions to the Oklahoma SIP specific for air permitting. This submittal was received by the EPA on July 27, 2010. This proposed rulemaking evaluates the revisions to OAC 252:100–8–2 adopted on April 28, 2006, effective on June 15, 2006. The EPA has taken separate actions on all other submitted revisions.

- By letter dated February 6, 2012, Mr. Gary Sherrer, Oklahoma Secretary of Environment, submitted revisions to the Oklahoma SIP. This submittal was received by the EPA on March 23, 2012. This proposed rulemaking evaluates the revisions to the Oklahoma major source permit program at OAC 252:100–8–2 adopted on May 3, 2011, effective July 1, 2011. The EPA has taken separate actions on all other submitted revisions.

- By letter dated January 18, 2013, Mr. Gary Sherrer, Oklahoma Secretary of Environment, submitted revisions to the Oklahoma SIP. This submittal was received by the EPA on February 6, 2013. This proposed rulemaking evaluates the revisions to the Oklahoma major source permit program at OAC 252:100–8–2 and OAC 252:100–8–4 adopted on March 29, 2012, effective July 1, 2012. The EPA has taken separate actions on all other submitted revisions.

- By letter dated January 8, 2018, Mr. Michael Teague, Oklahoma Secretary of Energy Environment, submitted revisions to the Oklahoma SIP. This submittal was received by the EPA on January 12, 2018. This proposed rulemaking evaluates the revisions to the Oklahoma major source permit program at OAC 252:100–8–2 adopted

on June 13, 2017, effective September 15, 2017. The EPA has taken separate actions on all other submitted revisions.

- By letter dated May 16, 2018, Mr. Michael Teague, Oklahoma Secretary of Energy and Environment, submitted revisions to the Oklahoma SIP. This submittal was received by the EPA on May 24, 2018. This proposed rulemaking evaluates the revisions to OAC 252:4–7–32 adopted March 25, 2003, effective June 1, 2003, and SIP-relevant portions of Oklahoma statutes. The EPA has taken separate actions on all other submitted revisions.

- By letter dated February 2, 2021, Mr. Kenneth Wagner, Oklahoma Secretary of Energy and Environment, submitted revisions to the Oklahoma SIP. This submittal was received by the EPA on February 9, 2021. This proposed rulemaking evaluates the revisions to OAC 252:100–1–2 adopted June 25, 2020, effective September 15, 2020. The EPA has taken separate action on all other submitted revisions.

- By letter dated August 22, 2022, Mr. Kenneth Wagner, Oklahoma Secretary of Energy and Environment, submitted revisions to the Oklahoma SIP. This submittal was received by the EPA on September 9, 2022. This proposed rulemaking evaluates the revisions to the Oklahoma minor source permit program at OAC 252:100, Subchapter 7, effective between 2002 and 2018.

- By letter dated August 22, 2022, Mr. Kenneth Wagner, Oklahoma Secretary of Energy and Environment, submitted revisions to the Oklahoma SIP. This submittal was received by the EPA on September 13, 2022. This proposed rulemaking evaluates the revisions to the Oklahoma air permit program at OAC 252:4, Subchapter 7 and Appendix C, and OAC 252:100, Subchapters 1, 7, and 8.

- By letter dated January 24, 2023, Mr. Kenneth Wagner, Oklahoma Secretary of Energy and Environment, submitted the 2022 annual SIP update. This submittal was received by the EPA on January 30, 2023. This proposed rulemaking evaluates revisions to OAC 252:100, Subchapters 2, 8, and Appendix Q.

- By letter dated January 9, 2024, Mr. Ken McQueen, Oklahoma Secretary of Energy and Environment, submitted the 2023 annual SIP update. This submittal was received by the EPA on January 16, 2024. This proposed rulemaking evaluates revisions to OAC 252:100, Subchapters 2, 5, and Appendix Q.

- By letter dated May 23, 2025, Mr. Jeff Starling, the Oklahoma Secretary of Energy and Environment submitted the 2024 annual update to the Oklahoma SIP to update provisions in OAC

252:100, Subchapters 2, 17, 23, 35 and Appendix Q. This submittal was received by the EPA on May 30, 2025. The EPA is addressing the entirety of this submittal.

- By letter dated May 23, 2025, Mr. Jeff Starling, the Oklahoma Secretary of Energy and Environment submitted revisions to OAC 252:100–1–3, OAC 252:100–7–1.1, OAC 252:100–7–2, OAC 252:100–7–15, and OAC 252:100–8–4 adopted on June 21, 2022, effective on September 15, 2022. These submitted revisions update the Oklahoma permitting program to provide for construction prior to minor NSR permit issuance. This submittal was received by the EPA on May 30, 2025.

II. The EPA's Evaluation

The accompanying Technical Support Document for this action includes a detailed analysis of the submitted revisions to the Oklahoma SIP which are the subject of this proposed rulemaking. Our analysis indicates that each SIP revision was developed in accordance with the CAA and the State provided reasonable notice and public hearing. Therefore, the EPA proposes to find that each SIP revision evaluated in this action addresses the first requirement of CAA section 110(l) to be developed and adopted by a State after reasonable notice and public hearing. Following is a summary of the EPA's technical evaluation.

A. Overview of the Oklahoma Air Quality Permit Program

The Oklahoma air quality permit source universe is defined first by a source's applicability under the title V operating permit program. A source that is a major title V source is permitted under OAC 252:100–8, Permits for part 70 sources and major NSR sources. The provisions at OAC 252:100–8 establish construction and operating permit requirements for sources required to have a title V operating permit. These provisions include major NSR requirements for new major stationary sources and major modifications to existing stationary sources in attainment and nonattainment areas and minor NSR requirements for minor modifications to existing major stationary sources in attainment and nonattainment areas. A source that is not subject to title V requirements is a minor source and is permitted under OAC 252:100–7, Permits for Minor Facilities. The provisions at OAC 252:100–7 establish the construction and operating permit requirements for minor sources, including minor NSR requirements for new minor sources and modifications to existing minor sources.

The Oklahoma permit program further classifies permit actions into a Tier category established through the Oklahoma Uniform Environmental Permitting Act and implemented in OAC 252:4. The three Tier categories define the degree of public participation and the level of decision making within the state agency, with Tier I the lowest level and Tier III the highest degree of public participation and decision making. Tier I applications are noticed by the Oklahoma DEQ on the agency website. Tier II and III applications are noticed by the applicant in a newspaper of general circulation and provided for notice on the Oklahoma DEQ website.

The Oklahoma major source program at OAC 252:100–8 has two types of construction and operating permits for major facilities: general permits and individual permits. The Subchapter 8 general permit program applies to facilities with actual emissions of 100 tons per year (TPY) or more of any one regulated air pollutant in an industry group for which a general permit has been issued. Major facilities that do not qualify for a general permit shall obtain an individual permit. Permits for new major stationary sources, including new PSD sources, are classified as Tier III under OAC 252:4–7–34. Significant modifications to existing major source permits are classified as Tier II under OAC 252:4–7–33. Minor modifications to existing major source permits are classified as Tier I under OAC 252:4–7–32.

The Oklahoma minor source program at OAC 252:100–7 has three types of construction and operating permits for minor facilities: a permit by rule (PBR), a general permit, and an individual permit. The PBR program applies to facilities emitting less than 40 tons per year (TPY) of any regulated pollutant, in an industry group for which a rule has been promulgated. The general permitting program applies to facilities emitting between 40 TPY and 100 TPY, in an industry group for which a general permit has been issued. Minor facilities which do not qualify for either a PBR or general permit shall obtain an individual permit. Sources may be exempt from permitting requirements if they qualify as a de minimis facility, a permit exempt facility, or meet the exemptions for emergency generators and gasoline dispensing facilities. Generally, permit actions taken under OAC 252:100, Subchapter 7 are classified as Tier I under OAC 252:4–7–32; including, new construction, operating, and relocation permits for minor sources and modifications to existing permits where the facility remains minor after the change.

Modifications where a minor facility will become subject to the requirements of OAC 252:100, Subchapter 8 are classified as Tier II under OAC 252:4–7–33. Additionally, a part 70 source subject to OAC 252:100, Subchapter 8 that takes a synthetic minor limit to limit its potential to emit such that it is a minor source permitted under OAC 252:100, Subchapter 7 will also be permitted as a Tier II action under OAC 252:4–7–33.

B. Evaluation Revisions OAC 252:100, Subchapter 8 for Major NSR Requirements

The Oklahoma regulations at OAC 252:100, Subchapter 8 establish the requirements for Permits for part 70 sources and major new source review (NSR) sources. The current SIP-approved provisions are available at 40 CFR 52.1920(c). This proposed rulemaking evaluates the revisions to the Oklahoma major source permit program at OAC 252:100, Subchapter 8 and the corresponding revisions at OAC 252:4 that have been submitted since the last EPA actions.

1. Enhanced NSR

Enhanced NSR is a permit streamlining mechanism created by the EPA in the July 21, 1992, final rule promulgating the title V program at 40 CFR 70.7(d)(1)(v). This mechanism provides that requirements from an NSR permit may be incorporated into a title V permit via an administrative amendment without public notice if the NSR permit was issued under an EPA-approved construction program that has been enhanced such that the procedural requirements are substantially equivalent to the requirements of 40 CFR 70.7 and 70.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those in 40 CFR 70.6.

On September 13, 2022, Oklahoma submitted revisions to OAC 252:4 and OAC 252:100, Subchapter 8 adopted on June 11, 2021, effective September 15, 2021. These revisions update the existing program requirements to create two clearly defined pathways for issuance of the NSR and part 70 operating permits—traditional NSR and enhanced NSR. The traditional NSR process, defined in OAC 252:100–8–2, is required for any facility without a part 70 operating permit but can also be used by other applicants that do not want to use the enhanced NSR process. The traditional NSR process provides the EPA and the public a 30-day review and comment period for the draft NSR

permit, after which, the Oklahoma DEQ responds to the comments and issues the final NSR permit. This is followed by the separate issuance process for the part 70 operating permit that starts with submittal of the operating permit application and proceeds through a 30-day public review of the draft operating permit. The Oklahoma DEQ will review and respond to comments and revise the draft permit if necessary. The proposed operating permit is then provided to the EPA for a 45-day review period. The Oklahoma DEQ will issue the final operating permit upon expiration of the EPA's 45-day review period or notice that the EPA will not object to the proposed part 70 operating permit. The Oklahoma part 70 program allows for concurrent review of the part 70 permit where the public's 30-day review and the EPA's 45-day review periods run concurrently on the draft operating permit. If the Oklahoma DEQ receives significant comments, the time clock for EPA's 45-day review period will stop until the Oklahoma DEQ responds to comments and provides the EPA with a proposed permit for an additional 45-day review. The enhanced NSR process, also defined in OAC 252:100–8–2, is a streamlined process only available to sources with existing part 70 operating permits. In the Oklahoma enhanced NSR process, the terms and conditions of the NSR permit may be incorporated into an existing title V permit via an administrative amendment if the NSR permit satisfies the necessary title V procedural requirements.

The EPA's full approval of the Oklahoma Operating Permits Program on December 5, 2001, reviewed and found the permitting requirements in OAC 252:100, Subchapter 8 consistent with the requirement of 40 CFR part 70, including the requirements in 40 CFR 70.6, 70.7, and 70.8, in our December 5, 2001. See 66 FR 63171. New requirements at OAC 252:4–7–13(g)(4) submitted September 13, 2022, specify that modifications to an existing part 70 source operating permit may be issued without further public review if the modification accommodates a change for which no construction permit is required or is based on a construction permit that is issued on the enhanced NSR pathway. The public notice for the construction permits on the enhanced NSR pathway must contain language that states the permit is subject to EPA review, EPA objection, and petition to EPA as provided in OAC 252:100–8–8 and 40 CFR 70.8; the operating permit modification will be issued without further public notice and comment if the operating permit as modified has

conditions which do not differ significantly from the construction permit's operating conditions in any way that would be considered significant, and the public will not receive another opportunity to provide comments when the modified operating permit is issued. Under the Oklahoma enhanced NSR process, the EPA has 45 days to review and, if necessary, object to the terms and conditions of the construction permit that are based on the requirements of 40 CFR part 70 (e.g., the enhancements made to satisfy 40 CFR 70.6). If the EPA objects, the Oklahoma DEQ has the discretion to complete the review and issuance of the NSR construction permit under the traditional NSR pathway. The Oklahoma DEQ would then work with the EPA to resolve any objection on the operating permit requirements prior to the issuance of the operating permit.

The EPA's evaluation of the Oklahoma enhanced NSR process has shown that NSR permits issued through this process meet the requirements substantially equivalent to the requirements of 40 CFR 70.6, 70.7 and 70.8. Therefore, the EPA proposes that the Oklahoma enhanced NSR process is consistent with the flexibility provided in 40 CFR 70.7(d)(1)(v) and is approvable.

2. Reasonable Possibility in Recordkeeping

On January 24, 2023, Oklahoma submitted revisions to OAC 252:100–8–36.2 adopted on June 21, 2002, effective September 15, 2022. The new provisions at OAC 252:100–8–36.2(c)(2)(A)(i) and (ii) establish the criteria for determining when a “reasonable possibility” exists for projects at existing emissions units that rely on projected actual emissions for major NSR applicability determinations under the Oklahoma PSD program.

The EPA promulgated the actual-to-projected-actual methodology for major NSR applicability determinations in the 2002 NSR Reform Rule (67 FR 80186, December 31, 2002). In this final rule, we required that if a source calculates its projected actual emissions below major NSR significance levels, the source was required to comply with recordkeeping and reporting requirements if there was a “reasonable possibility” that the project would result in a significant emissions increase. However, the EPA did not define or establish the criteria for determining when a “reasonable possibility” would exist.

The EPA's December 21, 2007, final rule clarifies that a “reasonable possibility” exists when the projected

increase in emissions equals or exceeds 50 percent of the significance levels for any pollutant (72 FR 72607, December 21, 2007). Using this clarification, pre-change recordkeeping and post-change recordkeeping and reporting requirements apply to any project that uses the actual-to-projected-actual applicability test to demonstrate the modification is not subject to PSD or NNSR, but the projected emissions are at least 50 percent of the significance levels.

Oklahoma revised the Oklahoma PSD program in response to the EPA's December 31, 2002, and December 21, 2007, final rules. The new provisions at OAC 252:100–8–36.2(c) in the Oklahoma PSD program differs from the federal PSD provisions at 40 CFR 51.166(r)(vi)(A) and (B) in the scope of the “reasonable possibility” provisions. The federal requirements require pre-change recordkeeping and pre- and post-change recordkeeping and reporting only when a “reasonable possibility” exists. The Oklahoma PSD program at OAC 252:100–8–36.2(c)(1) requires pre-change recordkeeping for all projects using the actual-to-projected-actual applicability methodology, regardless of whether the “reasonable possibility” criteria are satisfied. Post-change recordkeeping and reporting requirements apply to projects using the actual-to-projected-actual applicability test and where the “reasonable possibility” criteria are satisfied. The EPA proposes to find that the revisions to the Oklahoma PSD program at OAC 252:100–8–36.2(c) to adopt and implement the “reasonable possibility” criteria are approvable as satisfying the federal requirements at 40 CFR 51.166(r)(vi)(A) and (B).

3. Expansions to Public Notice

On September 13, 2022, Oklahoma submitted revisions to OAC 252:4 that expand and enhance the public notice requirements for sources subject to OAC 252:100, Subchapter 8. New provisions at OAC 252:4–7–13(g)(6) require the Oklahoma DEQ to publish notice on the agency website and provide a 30-day opportunity for comment on draft individual construction permits and modifications to construction permits that are classified as Tier II or III. This requirement for electronic posting by the Oklahoma DEQ is in addition to the existing SIP-approved requirement at OAC 252:100(g)(1) that requires the applicant to provide notice in a newspaper of general circulation. The new requirement at OAC 252:4–7–13(g)(6) expands on the existing public notice provisions and establishes the electronic notice posting from the

Oklahoma DEQ as the “consistent noticing method” in 40 CFR 51.166(q)(2)(iii). Revisions to OAC 252:4–7–33(b) clarify that new operating permits for part 70 sources are processed as a Tier II application and subject to public notice. The EPA proposes to find that the revisions to public notice and procedural processes for major source permits are approvable as satisfying the federal requirements for public notice.

4. General Updates to Major Source Permit Requirements

Oklahoma has submitted several revisions to the definitions for the OAC 252:100, Subchapter 8 permit program. Many of the submitted revisions are non-substantive to address formatting or grammar updates or provide clarifications to existing SIP-approved definitions. The EPA's evaluation of these non-substantive definition changes is presented in the TSD. We provide our evaluation of the substantive definition changes below.

- On July 16, 2010, Oklahoma submitted the new definition of “begin actual construction” at OAC 252:100–8–2 as adopted on April 28, 2006, effective June 15, 2006. This definition applies broadly to the major source permit program and is relied on for the issuance process under Subchapter 8; OAC 252:100–8–4(a) requires that no major source may begin actual construction without obtaining a construction permit. This definition is approvable for proper implementation of the Oklahoma air permitting program. The Oklahoma PSD program contains a separate, SIP-approved definition for begin actual construction that is not revised by the general definition in OAC 252:100–8–2.

- Oklahoma submitted revisions to the definition of “Major source” at OAC 252:100–8–2 adopted on March 25, 2003, March 24, 2009, and June 13, 2017. The definition of “Major source” as revised through the January 8, 2018, submission is approvable. This definition is used for determining applicability of the Subchapter 8 permitting rules and is consistent with the major source definition at 40 CFR 70.2. This definition is necessary for proper implementation of the Oklahoma air permitting program. The Oklahoma PSD program contains a separate, SIP-approved definition for major stationary source that is not revised by this definition in OAC 252:100–8–2.

- Oklahoma submitted revisions to the definition of “Subject to regulation” at OAC 252:100–8–2 on February 6, 2012, January 18, 2023, and January 8, 2018. The definition of “Subject to

regulation” as revised through the January 8, 2018, submittal is approvable as consistent with the requirements of 40 CFR 70.2. The Oklahoma PSD program has a separate, SIP-approved definition of “Subject to regulation” that is not revised by the definition in OAC 252:100–8–2.

On June 24, 2010, and September 13, 2022, Oklahoma submitted revisions to OAC 252:100–8–5, Permit applications. The revisions adopted March 25, 2003, effective June 1, 2003, update internal cross-references and make non-substantive corrections to grammar and formatting. The EPA proposes to find these updates are necessary for proper implementation of the Oklahoma SIP and permitting program. The revisions adopted June 11, 2021, effective September 15, 2021, establish new requirements at OAC 252:100–8–5(d)(3) that promote clarity in the permitting process. This new provision requires that construction applications for modifications at existing sources must specify whether the application is using the enhanced NSR or traditional NSR process. This provision will allow the public, state, and EPA to more effectively review and participate in the permit process. The EPA proposes to approve this update as necessary for the proper implementation of the Oklahoma SIP and permitting program.

On June 24, 2010, Oklahoma submitted revisions to OAC 252:100–8–6, Permit content, adopted on March 30, 2005, effective June 15, 2005. These revisions update internal cross-references and make non-substantive corrections to grammar and formatting. The EPA proposes to find these updates are necessary for proper implementation of the Oklahoma SIP and permitting program.

On June 24, 2010, Oklahoma submitted revisions to the general permits regulations at OAC 252:100–8–6.1. The revisions adopted on March 30, 2005, effective June 15, 2005, update citations for internal cross-references. The EPA proposes to find these updates are necessary for proper implementation of the Oklahoma SIP and permitting program.

On June 24, 2010, Oklahoma submitted revisions to OAC 252:100–8–7.1 to update the provisions for permit issuance for Subchapter 8 permits. The revisions adopted on March 30, 2005, effective June 15, 2005, update the citations for internal cross-references. The EPA proposes to find these updates are necessary for proper implementation of the Oklahoma SIP and permitting program.

On June 24, 2010, and September 13, 2022, Oklahoma submitted revisions to

OAC 252:100–8–7.2, Administrative permit amendments and permit modifications. The revisions adopted on March 25, 2003, effective June 1, 2003, update citations for internal cross references throughout OAC 252:100–8–7.2. The revisions adopted on June 15, 2021, effective September 15, 2021, establish at OAC 252:100–8–7.2(a)(1)(E) that an administrative amendment can be used to include the preconstruction requirements from an enhanced NSR permit into an existing part 70 operating permit. This revision ensures that the enhanced NSR process is only used for existing operating permits and cannot be used to issue an initial part 70 operating permit. The EPA proposes to find these updates are necessary for proper implementation of the Oklahoma SIP and permitting program.

On June 24, 2010, and September 13, 2022, Oklahoma submitted revisions to OAC 252:100–8–8 to update the provisions for permit review by EPA and affected states. In the June 24, 2010, submittal, Oklahoma provided rules adopted on March 28, 2002, effective June 1, 2002, that expand the applicability of the section to all Subchapter 8 permit actions, except for administrative permit amendments, and expand the requirements for transmission of part 70 applications and draft permits. In the September 13, 2022, submittal, Oklahoma revised the existing requirements at OAC 252:100–8–8(f), (h) and (i) to clarify how the enhanced NSR permit pathway interacts with the title V authorities for EPA objection and petition. The EPA proposes to find these updates are necessary for proper implementation of the Oklahoma SIP and permitting program.

On January 24, 2023, Oklahoma submitted revisions to OAC 252:100–8–36.1 adopted on June 21, 2022, effective September 15, 2022. These revisions update citations to Oklahoma statutes providing for public notice. The EPA proposes to find these non-substantive edits are necessary for proper functionality of the Oklahoma SIP.

5. Removal of Title V Elements From the SIP

The Oklahoma major source permit program at OAC 252:100, Subchapter 8 is structured such that elements of the Oklahoma NSR and title V permitting programs overlap, including essential elements related to applicability, public notice and procedural permit issuance processes. The EPA's November 26, 2010, final action on OAC 252:100, Subchapter 8 approved the program elements of the Oklahoma title V program into the Oklahoma SIP to

prevent inadvertent omission of essential requirements. The EPA continues to believe this is appropriate because of the shared structure of the permit process. However, after reviewing the current SIP-approved regulations, the EPA has determined the Oklahoma SIP does not need to include provisions related to the Acid Rain Program. The Acid Rain Program is implemented solely in title V and through title V permits. Therefore, the state's removal of these provisions is appropriate and the EPA proposes to remove the following provisions from the Oklahoma SIP:

- Definitions of “affected source,” “affected unit,” paragraph (E) of “applicable requirement,” “designated representative,” “responsible official,” “small unit,” and “unit” from OAC 252:100–8–2,
- OAC 252:100–8–4(b)(9), Requirements for construction and operating permits—Phase II acid rain permits,
- OAC 252:100–8–6(a)(5), Permit applications—Standard permit requirements—Title IV allowances, and
- OAC 252:100–8–2 OAC 252:100–8–6.3, Special provisions for affected (acid rain) sources.

C. Evaluation of OAC 252:100, Subchapter 8 for Minor NSR Requirements

The permitting program at OAC 252:100, Subchapter 8 is not currently approved for minor NSR. In this section, the EPA first presents our evaluation of how the provisions in OAC 252:100, Subchapter 8 (existing SIP requirements currently applicable to major NSR and newly submitted provisions) and the necessary procedural requirements at OAC 252:4 satisfy the requirements for SIP-approval as a minor NSR program. The EPA regulations governing the criteria that states must satisfy for EPA SIP approval of regulations specific to minor NSR programs are contained in 40 CFR 51.160–51.164. We also provide our evaluation of specific features of the Oklahoma minor NSR program that have been recently adopted for sources subject to OAC 252:100, Subchapter 8.

1. Evaluation of OAC 252:100–8 as a Minor NSR Program

An approvable minor NSR program must include legally enforceable procedures that enable the permitting authority to determine whether the construction or modification of a source will result in a violation of applicable portions of the control strategy or interfere with attainment or maintenance of a NAAQS, 40 CFR 51.160(a). The Oklahoma permitting

program at OAC 252:100, Subchapter 8 is required by the Oklahoma Uniform Environmental Permitting Act. The Oklahoma DEQ is required by Oklahoma statute to develop and implement a construction permitting program to protect air quality.

The minor NSR program must include the means the permitting authority will use to prevent such construction or modification if it would result in a violation of applicable portions of a control strategy or interfere with the attainment or maintenance of a NAAQS, 40 CFR 51.160(b). The Oklahoma regulations at OAC 252:100, Subchapter 8 and OAC 252:4 establish the procedural requirements for the construction permit process and the associated public notice process.

Applications for construction permits are required to submit the information required under 40 CFR 51.160(c) through OAC 252:100–8–5, which requires applications to include the site information, process description, and emission data. Applicants are also required to correct or supplement applications as requested by the Oklahoma DEQ.

The Oklahoma regulations at OAC 252:100–8–4(a) require that sources with existing part 70 operating permits obtain construction permits for the commencement of any physical change or change in the method of operation that, for any one regulated pollutant, would increase potential to emit by more than 10 TPY. These provisions address the requirements of 40 CFR 51.160(e) to identify the types and sizes of facilities, buildings, structures, or installations subject to the minor NSR program.

The Oklahoma regulations address the requirements for air quality data and modeling at 40 CFR 51.160(f). Construction permit applications at OAC 252:100–8–5(d) must include modeling data when required by the Oklahoma DEQ. The Oklahoma SIP at OAC 252:100, appendix Q incorporates by reference the EPA's appendix W to 40 CFR part 51, the Guideline on Air Quality Models.

A minor NSR program must include public notice as prescribed in 40 CFR 51.161. Construction permits for minor NSR changes at sources subject to OAC 252:100, Subchapter 8 are classified as Tier I at OAC 252:4–7–32. The Oklahoma DEQ is required at OAC 252:4–7–13(g)(7) to prepare and post on the agency website notices of the opportunity for 30-day public comment period for Tier I individual construction permits and construction permit modifications. In the Spring 2025 Unified Agenda of Regulatory and

Deregulatory Action, the EPA has included “New Source Review (NSR) Program Public Participation Requirements for State Implementation Plans” RIN: 2060–AV67.¹ This action pertains to the EPA’s federal rules for SIPs at 40 CFR 51.160–51.164, which apply to the preconstruction permitting programs of state and local air pollution agencies. The purpose of this rulemaking would be to address minimum requirements for public participation in the administration of minor source NSR programs.

As required by 40 CFR 51.162, the Oklahoma SIP at OAC 252:4–7–1 identifies the Oklahoma DEQ as the State agency with the responsibility for implementing the Oklahoma Uniform Environmental Permitting Act. The regulations at OAC 252:4, Subchapter 7 and OAC 252:100, Subchapter 8 are the implementing regulations used by the Oklahoma DEQ to implement the Oklahoma Uniform Environmental Permitting Act and the requirements of NSR permitting, including minor NSR permitting.

A minor NSR program is required under 40 CFR 51.163 to include administrative procedures that will be followed in making the determination under 40 CFR 51.160(a). OAC 252:4, Rules of Practice and Procedure, provides the administrative procedures for permit issuance, public notice, and administrative proceedings used by the Oklahoma DEQ for permit issuance, including the issuance of minor NSR construction permits at major sources subject to OAC 252:100, Subchapter 8.

A minor NSR program must address the stack height procedures of 40 CFR 51.164. The SIP-approved requirements at OAC 252:100–8–1.5 satisfy the requirements at 40 CFR 51.164 and apply generally to all Subchapter 8 permit actions, including the minor NSR actions taken at major sources.

The EPA proposes to find that the Oklahoma SIP at OAC 252:4, Subchapter 7 and OAC 252, 100, Subchapter 8 satisfy the minor NSR requirements of CAA section 110(a)(2)(C) and 40 CFR 51.160–51.164.

On May 16, 1994, the Governor of Oklahoma submitted a recodification of the existing Oklahoma regulations as a revision to the Oklahoma SIP. In this recodification, the air permit program requirements at Regulation 1.4.1 and 1.4.2 were replaced with the new air permitting requirements at OAC 252:4, OAC 252:100, Subchapters 7 and 8. The EPA has taken actions to review and

approve most of the recodification of the air program. However, as noted in 40 CFR 52.1920(c), the current SIP still retains the provisions at Regulations 1.4.1(a)–(c) and 1.4.2(a)–(d), (f), and (g) for minor NSR permitting under OAC 252:100, Subchapter 8. Our evaluation presented in this proposed rulemaking has shown that the submitted revisions to OAC 252:4 and OAC 252:100, Subchapter 8 satisfy the requirements for minor NSR permitting. Therefore, the EPA proposes to remove Regulations 1.4.1(a)–(c) and 1.4.2(a)–(d), (f), and (g) from the Oklahoma SIP.

The current Oklahoma SIP includes provisions from OAC 252:4 establishing the procedural rules for the Oklahoma air permit programs for minor NSR permitting under OAC 252:100, Subchapter 7 and for major NSR permitting under OAC 252:100, Subchapter 8. Our evaluation presented in this proposed rulemaking has shown that the submitted revisions to OAC 252:4 and OAC 252:100, Subchapter 8 satisfy the requirements for minor NSR permitting. Therefore, the EPA proposes to find that the procedural requirements at OAC 252:4–7–1–OAC 252:4–7–19 are applicable to the entirety of the Oklahoma air permit program. The EPA proposes to update the amendatory language table at 40 CFR 52.1920(c) to reflect this finding and remove the comments from the Explanation column.

2. Minor NSR Threshold for Major Source Permits

On September 13, 2022, Oklahoma submitted new provisions at OAC 252:100–8–4(a)(1)(B)(iv) that require sources with existing part 70 operating permits to obtain a minor NSR construction permit for any physical change or change in the method of operations that would increase the potential to emit in excess of 10 TPY of any one regulated pollutant. Projects below this threshold are exempt from the requirement to obtain a minor NSR construction permit but must still comply with the requirements to obtain a modification to the part 70 operating permit.

The new provisions at OAC 252:100–8–4(a)(1)(B)(iv) require that physical changes or changes in the method of operation will be evaluated and permitted as minor NSR construction changes. These minor NSR changes will continue to be subject to the SIP-approved permit application requirements at OAC 252:100–8–5 and permit content requirements at OAC 252:100–8–6, and the Oklahoma DEQ will continue to issue the minor NSR construction permit using the SIP-

approved procedural requirements in OAC 252:4. The new requirements at OAC 252:4–7–13(g)(7) ensure that the minor NSR construction modifications will be available for review on the agency website for 30 days.

State agencies have broad discretion to determine the scope of the state’s minor NSR program. Each state program at 40 CFR 51.160(e) will identify the types and sizes of facilities, buildings, structures or installations that will be subject to review. Prior to the September 13, 2022, SIP submittal, the Oklahoma permit program allowed sources with existing part 70 operating permits to make construction changes directly through a minor modification to the title V permit; meaning, major sources were making minor NSR changes without the appropriate NSR permitting mechanism or public notice. The addition of the 10 TPY permit threshold defines the scope of the Oklahoma minor NSR program, thus requiring activities above the permit threshold that were previously not evaluated as minor NSR modifications to be subject to the minor NSR requirements for application, public notice, permit content, and permit processing.

The September 13, 2022, SIP submittal included the Oklahoma DEQ technical justification for the 10 TPY threshold. The Oklahoma DEQ conducted a review of the prior five years of title V minor modifications from 2016–2020. This review found that of the 199 title V minor modifications issued during the 5-year window, 136 (68%) would have been below the permitting threshold and been exempted from the requirement to obtain a construction permit. However, 94% of the emission increases from the 199 title V minor modifications were associated with minor modifications that would not have been exempted from the preconstruction permit requirements. If the 10 TPY permit threshold had been in place during this 5-year period, the Oklahoma DEQ construction permit review and public notice process would have applied to minor NSR changes that represented most of the emission increases from minor modifications. The Oklahoma DEQ also presented air quality data from 2000–2020. During this time, the state of Oklahoma was, and continues to be, in attainment for all criteria pollutants. The EPA preliminarily concludes that the previous exemption from construction permitting did not worsen air quality in the State or result in an area going into nonattainment. The EPA proposes to find that the addition of the 10 TPY permit threshold for minor NSR will strengthen the Oklahoma SIP and

¹ The Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions is available at <https://www.reginfo.gov/public/do/eAgendaMain>.

further the goals of protecting air quality by clearly defining the projects that qualify as modifications that will be subject to preconstruction review and public notice in Oklahoma.

3. Construction Activities Prior to Issuance of a Minor NSR Permit at a Major Source

On May 30, 2025, Oklahoma submitted new provisions at OAC 252:100–8–4(a)(1)(A), (a)(1)(B) and (a)(1)(D) that allow for construction prior to permit issuance of a minor NSR construction permit at a Subchapter 8 major source. Under these new provisions, after an applicant submits an administratively complete minor NSR permit application, the applicant may “begin construction up to, but not including, making any new, modified, or reconstructed unit operational such that it has the ability to emit any regulated air pollutant.” (OAC 252:100–8–4(a)(1)(D)). The new provisions further establish that the construction is at the applicant’s risk and expense, the Oklahoma DEQ retains the authority to deny any permit application, and the provision does not exempt the source from any applicable federal requirements such as NSPS or NESHAP.

Section 110(a)(2)(C) of the CAA requires that SIPs include a program for regulating the construction and modification of stationary sources as necessary to ensure that the NAAQS are maintained. Federal regulations at 40 CFR 51.160(b) require states to have legally enforceable procedures to prevent construction or modification of a source if it would violate any SIP control strategies or interfere with attainment or maintenance of the NAAQS. Federal regulations limit the types of allowed preconstruction activities for new and modified major sources at 40 CFR 51.165(a)(1)(xv), 51.166(b)(11), and 52.21(b)(11), but there is no corresponding limitation on preconstruction activities for minor sources. The EPA proposes to find that these provisions are acceptable under the minor NSR requirements of CAA section 110(a)(2)(C) and 40 CFR 51.160–51.164. The new provisions are explicitly limited to the minor NSR program, and the Oklahoma DEQ retains the authority to deny permit applications and will use the existing SIP-approved permit review process to ensure the continued protection and maintenance of the NAAQS and any other SIP control strategies.

4. Section 110(l) Evaluation of Revisions to OAC 252:100, Subchapter 8

CAA section 110(l) states that the “Administrator shall not approve a

revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the Act.” For purposes of the analysis under CAA section 110(l), we have considered the overall impact of the revisions to the major source permitting program at OAC 252:100, Subchapter 8. Many of the submitted changes enhance the major source program within the Oklahoma SIP but do not have direct impacts on emissions or air quality; for example, expansions of public notice requirements for minor NSR permitting, additional recordkeeping and reporting when there is a “reasonable possibility” a project results in a significant emissions increase, and clarifications on how permit materials are transmitted to the EPA. Other submitted revisions to update definitions to maintain consistency with federal requirements or make other non-substantive edits to update the program regulations are necessary to ensure functionality of the Oklahoma program but will have no impact on air quality. For the minor NSR permit threshold, the EPA reviewed emissions data and air quality trends submitted by the State for 2016–2020. This analysis demonstrated that the minor NSR permit threshold would not adversely impact air quality. The EPA is proposing to find that the submitted revisions to OAC 252:100, Subchapter 8 will not interfere with attainment, reasonable further progress or any other applicable requirement of the Act.

D. Evaluation of Revisions to OAC 252:100, Subchapter 7 for Minor NSR Requirements

The Oklahoma Minor Source program at OAC 252:100, Subchapter 7 was SIP-approved by the EPA on May 15, 2017, at 82 FR 22281. This proposed rulemaking evaluates the revisions to the Oklahoma minor source permit program at OAC 252:100, Subchapter 7, effective between 2002 and 2022, submitted September 9, 2022, September 13, 2022, and May 30, 2025. We also include in this evaluation the procedural and public notice revisions at OAC 252:4, that have been submitted in support of the minor NSR requirements.

1. Exemptions From Minor NSR Permitting for Minor Sources

The EPA’s minor NSR regulations at 40 CFR 51.160–51.164 provide permitting authorities the latitude to design and implement a minor NSR program specific to the needs of the

state. As provided in the Oklahoma SIP at OAC 252:100–7–2(a), a permit is required before a person may commence construction or modification of any minor facility, operate any new minor facility, or relocate any minor portable source. Exemptions from the requirement to obtain a minor source permit are provided at OAC 252:100–7–2(b). The Oklahoma SIP only includes exemptions for de minimis facilities. Oklahoma has submitted additional exemptions from minor source permitting that EPA will evaluate in this proposed rulemaking for permit exempt facilities, emergency engines at residential and school facilities, and gasoline dispensing facilities with throughput of less than 100,000 gallons per month.

The criteria for de minimis facilities at OAC 252:100–7–2(b)(1) were updated in 2004, 2005, 2008 and 2016. The revisions adopted in 2004, 2005, and 2008 make non-substantive revisions to correct formatting and update the internal cross-references to the Oklahoma air quality control rules that continue to apply to de minimis facilities. The revision adopted on June 9, 2016, effective September 15, 2016, adds new OAC 252:100–7–2(b)(1)(E) to require de minimis facilities comply with the SIP-approved provisions at OAC 252:100–5, Registration, Emission Inventory, and Annual Operating Fees. The SIP-approved provision at OAC 252:100–5–2.1(a)(3) specifies de minimis facilities are exempt from annual emission inventory requirements unless the annual emissions exceed the emission thresholds listed in table 1 in appendix A to subpart A of 40 CFR part 51. If these thresholds are exceeded, the de minimis facility is subject to emission inventory reporting requirements. These submitted revisions to the de minimis facilities criteria at OAC 252:100–7–2(b)(1) are approvable. These revisions are necessary to ensure the proper implementation of the SIP and the new emission inventory requirements will allow the Oklahoma DEQ to monitor the de minimis facilities and ensure the exemption continues to be protective of air quality.

The permit exempt category was initially adopted April 28, 2004, effective June 11, 2004. Revisions to the permit exempt category were adopted on June 9, 2016, and June 11, 2021. The permit exempt facility category was established by the Oklahoma DEQ to streamline the minor source permit program and establish a threshold below which facilities would be exempt from minor source permitting requirements. A permit exempt facility is defined at OAC 252:100–7–1.1 as a facility that has

actual emissions in every calendar year that are 40 TPY or less of each regulated pollutant. A permit exempt facility cannot be subject to any major source permitting requirement under OAC 252:100–8, New Source Performance Standards in 40 CFR part 60, or National Emissions Standards for Hazardous Air Pollutants at 40 CFR part 63. New provisions at OAC 252:100–7–2(b)(2) exempt permit exempt facilities from the permitting requirements of OAC 252:100–7; permit exempt facilities remain subject to all other applicable State and Federal air quality rules and standards such as toxics and fugitive dust controls and applicable provisions that implement 40 CFR part 60 emission guidelines for existing sources. Permit exempt facilities are exempted from the requirement to submit an annual emission inventory. However, the SIP-approved provision at OAC 252:100–5–2.1(a)(3) specifies that a permit exempt facility will be subject to emission inventory reporting requirements if the annual emissions for the permit exempt facility exceed the emission thresholds listed in table 1 in appendix A to subpart A of 40 CFR part 51. The Oklahoma SIP at OAC 252:100–5–2.1(4) also provides the Oklahoma DEQ Director the authority to request that any facility, including a permit exempt facility, file an emission inventory when the data is necessary for planning or determining compliance with State or Federal requirements.

Emergency engines are defined in OAC 252:100–7–1.1 as a stationary engine used to resume essential operations or ensure safety during sudden and unexpected occurrences including but not limited to a loss of electrical power, fire, and/or flood. New OAC 252:100–7–2(b)(3) adopted on June 9, 2016, effective September 15, 2016, provides that emergency engines at residential and school facilities are exempted from the requirements to have a minor source permit under OAC 252:100–7.

Oklahoma submitted new OAC 252:100–7–2(b)(4) adopted on June 18, 2018, effective September 15, 2018, to exempt gasoline dispensing facilities with throughput of less than 100,000 gallons per month on a rolling annual average from minor source permitting obligations under OAC 252:100–7. The exempted gasoline dispensing facilities must be complying with 40 CFR part 63, subpart CCCCCC and the only permit obligation would be due to the construction or operation of the facility.

State agencies have discretion to determine the scope of the state's minor NSR program, provided that the program continues to satisfy the

requirements of 40 CFR 51.160–51.164. The Oklahoma DEQ has submitted revisions to the Oklahoma SIP to narrow the scope of the minor NSR program to exclude facilities that qualify as permit exempt, emergency engines at residential and school facilities, and specified gasoline dispensing facilities and from all permitting requirements under OAC 252:100–7. The September 9, 2022, Oklahoma SIP submittal included the Oklahoma DEQ's technical justification for these exemptions from minor NSR permitting. The permit exempt category was created in 2004 after the Oklahoma DEQ conducted a review of the Oklahoma Air Quality Program. After reviewing emissions data, air monitoring data, and air quality trends data available in the early 2000s, the Oklahoma DEQ determined that the establishment of the permit exempt category would not interfere with attainment or maintenance or violate applicable portions of the SIP control strategy. Further, the creation of the permit exempt category would reduce the workload burden on Oklahoma DEQ staff by allowing staff to focus on minor sources with higher emissions and more potential to impact air quality. The Oklahoma DEQ also submitted air quality trends data through 2020 for all criteria pollutants. This data shows the entire State of Oklahoma continues to be in attainment for all criteria pollutants, even after the effective dates for the exemptions from minor NSR for permit exempt sources and specific emergency engines and gasoline dispensing facilities.

2. Construction Activities Prior to Permit Issuance of a Minor NSR Permit at a Minor Source

New provisions at OAC 252:100–7–2(b)(5) adopted June 21, 2022, and submitted to the EPA on May 30, 2025, allow for construction activities prior to permit issuance for administratively complete minor NSR permit applications. Administratively complete for minor NSR permit applications subject to OAC 252:100, Subchapter 7 is defined at OAC 252:100–7–1.1; generally, a permit application is deemed administratively complete when the applicant submits all the required information for a construction and operating permit application, obtains a landowner affidavit, pays the appropriate application fees and includes a certification of the application by the applicant. An applicant may begin construction up to, but not including, making any new, modified, or reconstructed unit operational and capable of emitting any regulated air pollutant. Construction

activities prior to permit issuance are taken at the applicant's risk. Regardless of any investment made by the applicant, the Oklahoma DEQ must still review the application and retains the authority to deny the permit application.

Section 110(a)(2)(C) of the CAA requires that state SIPs include a program for regulating the construction and modification of stationary sources as necessary to ensure that the NAAQS are maintained. Federal regulations at 40 CFR 51.160(b) require states to have legally enforceable procedures to prevent construction or modification of a source if it would violate any SIP control strategies or interfere with attainment or maintenance of the NAAQS. Federal regulations limit the types of allowed preconstruction activities for new and modified major sources at 40 CFR 51.165(a)(1)(xv), 51.166(b)(11), and 52.21(b)(11). But federal regulations do not impose a corresponding limitation on preconstruction activities for minor NSR sources or modifications.

The EPA has preliminarily determined that the Oklahoma provision at OAC 252:100–7–2(b)(5) for construction activities prior to minor NSR permit issuance is approvable as consistent with federal requirements. Regardless of any investment made by the applicant during the construction process, the Oklahoma DEQ retains the authority and obligation to review the permit application using the existing, SIP-approved minor NSR program. Because the Oklahoma DEQ must still review each application using the SIP-approved minor NSR procedures, the provision allowing for construction activities prior to minor NSR permit issuance will therefore not violate any SIP control strategy or interfere with attainment or maintenance of the NAAQS.

3. Public Notice for Minor Sources

On September 13, 2022, Oklahoma submitted revisions to OAC 252:4 that expand the public notice requirements for sources subject to OAC 252:100, Subchapter 7. New minor NSR construction permits and modifications to existing minor NSR construction permits where the source remains minor are classified as Tier I at OAC 252:4–7–32. The Oklahoma DEQ is required under new OAC 252:4–7–13(g)(7) to prepare and post on the agency website notices of 30-day public comment periods for Tier I applications for draft individual construction permits and draft individual construction permit modifications. A major source that applies for a permit to limit its potential

to emit such that the source would be subject to OAC 252:100, Subchapter 7 is classified as a Tier II action at OAC 252:4–7–33(a). Applicants for Tier II applications are required to provide notice in a newspaper of general circulation and to individuals on a mailing list at OAC 252:4–7–13(g)(1). Additionally, new provisions at OAC 252:4–7–13(g)(6) require the Oklahoma DEQ to publish notice on the agency website and provide a 30-day opportunity for comment on draft individual construction permits and modifications to construction permits that are classified as Tier II. The EPA proposes to find that the revisions to the public notice and procedural processes for minor NSR permits under OAC 252:100, Subchapter 7 are approvable as satisfying the federal requirements for 30-day public notice at 40 CFR 51.161. In the Spring 2025 Unified Agenda of Regulatory and Deregulatory Action, the EPA has included “New Source Review (NSR) Program Public Participation Requirements for State Implementation Plans” RIN: 2060–AV67.² This action pertains to the EPA’s federal rules for SIPs at 40 CFR 51.160–51.164, which apply to the preconstruction permitting programs of state and local air pollution agencies. The purpose of this rulemaking would be to address minimum requirements for public participation in the administration of minor source NSR programs.

4. Federally Enforceable State Operating Permit (FESOP) and FESOP Enhanced NSR

The EPA published a final rule on June 28, 1989, allowing for state operating permits, and the limitations and controls in said permits, to be treated as federally enforceable if the State’s operating permit program had been reviewed and approved into the SIP by the EPA. *See* 54 FR 27274. The September 13, 2022, Oklahoma SIP submittal included the request for the EPA to approve the minor source operating permit program into the Oklahoma SIP.

The new definition for “Federally Enforceable State Operating Permit (FESOP)” at OAC 252:100–7–1.1 provides that any operating permit issued under OAC 252:100–7 will be considered a FESOP. This will include operating permits issued under OAC 252:4–7–33(a)(2) for a part 70 source subject to major source permit requirements that applies to limit its potential to emit below major source

threshold and become a minor source regulated under OAC 252:100–7. The September 13, 2022, submittal also created two pathways for permit issuance of minor source construction and operating permits—traditional NSR and FESOP enhanced NSR.

The traditional NSR process, defined at OAC 252:100–7–1.1, is the process where the minor NSR construction permit review and issuance occur separate of the review and issuance of the FESOP. Applications for minor source construction permits are Tier I applications; therefore, the Oklahoma DEQ is responsible for posting the public notice on the agency website under OAC 252:4–7–13(g)(7). The traditional NSR process must be used for any source without an existing FESOP. Following the issuance of the minor source construction permit, the Oklahoma DEQ would separately review and seek comment on the minor source operating permit. Applications for minor source operating permits and modifications to the operating permits are Tier I applications; the Oklahoma DEQ is required by new OAC 252:4–7–13(g)(9) to post the public notice on the agency website.

The Oklahoma DEQ created the FESOP enhanced NSR process to provide a streamlined permit issuance pathway for sources with existing FESOPs. Using the FESOP enhanced NSR process, also defined at OAC 252:100–7–1.1, the EPA and the public will have a 30-day review period that will cover the minor NSR construction permit terms and conditions. The public notice for the minor NSR construction permit must satisfy the requirements of new OAC 252:4–7(13)(g)(8) and include a statement that notifies the public and the EPA that the modifications to the operating permit will be issued without further public notice and comment unless the operating permit conditions are modified significantly from the construction permit’s conditions.

The EPA presents our evaluation of the September 13, 2022, submitted revisions to OAC 252:4 and OAC 252:100–7 as a FESOP program in this proposed action. The 1989 final rule established five criteria that EPA will use when reviewing and approving a state operating permit program into a SIP.

- First, the state operating permit program must be submitted to and approved by EPA into the SIP. The Oklahoma submitted revisions to the Oklahoma SIP on September 13, 2022, for EPA review and approval of the minor source program at OAC 252:100–7 and the associated public notice and procedural requirements of OAC 252:4.

The EPA’s action on this SIP submittal will satisfy the first criterion.

- Second, the SIP imposes a legal obligation that operating permit holders adhere to the terms and limitations of such permits (or subsequent revision of the permit made in accordance with the approved operating permit program) and provides that permits which do not conform to the operating permit program requirements and the requirements of EPA’s underlying regulations may be deemed not “federally enforceable” by EPA. Through the new provisions at OAC 252:100–7–18(g), Duty to comply with the operating permit, the permittee is required to comply with all limitations and conditions of the operating permit. A violation of the limitations or conditions shall subject the permittee to enforcement by EPA and all enforcement penalties available under the Oklahoma Clean Air Act and Air Pollution Control Rules.

- Third, the state operating permit program requires that all emissions limitations, controls, and other requirements imposed by such permits will be at least as stringent as any other applicable limitations and requirements contained in the SIP or enforceable under the SIP, and that the program may not issue permits that waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the SIP, or that are otherwise “federally enforceable” (e.g., standards established under sections 111 and 112 of The Act). The Oklahoma minor source program at OAC 252:100–7–18(f) and (g) require the operating permit terms and conditions to be federally enforceable, and any violation of these terms and conditions shall subject the permittee to enforcement actions. The operating permit must include the construction permit contents as specified at OAC 252:100–7–15(d). Construction permit shall require the permittee to comply with all applicable air pollution rules, prohibit the exceedance of air quality standards in OAC 252:100–3, and may establish additional terms or conditions necessary to assure compliance with all rules.

- Fourth, the limitations, controls, and requirements in the operating permits are permanent, quantifiable, and otherwise enforceable as a practical matter. The minor source operating permit conditions at OAC 252:100–7–18(f) require that emission limitations and other permit conditions in the minor source construction permit are federally enforceable requirements of the FESOP.

- Fifth, the permits are issued subject to public participation. New provisions

² The Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions is available at <https://www.reginfo.gov/public/do/eAgendaMain>.

at OAC 252:4–7–13(g)(7) require the Oklahoma DEQ to prepare and post on the agency website notices of 30-day public comment period for Tier I applications for draft individual construction permits and draft individual construction permit modifications. New provisions at OAC 252:4–7–13(g)(8) allow Tier I applications for draft construction permit modifications to use the FESOP Enhanced NSR process.

The EPA proposes to find that the Oklahoma minor source program at OAC 252:100–7 and the associated procedural and public notice rules at OAC 252:4 are consistent with federal requirements for approving a state operating permit program into the SIP such that permits issued under this program become FESOP. The EPA proposes this approval under CAA sections 110(a)(2)(B) and (D).

5. Revisions to the Minor NSR Permit by Rule Program

The Oklahoma permit by rule program was approved into the Oklahoma SIP as an element of the Oklahoma minor NSR program on May 15, 2017, see 82 FR 22281. The SIP includes general procedural provisions for the permit by rule program at OAC 252:100–7–15(b)(1), OAC 252:100–7–60, and specific PBRs for cotton gins at OAC 252:100–7–60.1 and grain elevators at OAC 252:100–7–60.2. The Oklahoma DEQ has submitted revisions to the general PBR provisions at OAC 252:100–7–60 adopted on June 19, 2014, effective September 12, 2014. Oklahoma has also developed and submitted as revisions to the SIP, new PBRs for emergency engine facilities at OAC 252:100–70.6 and gasoline dispensing facilities and gasoline dispensing facilities with emergency engines at OAC 252:100–7–60.7.

The Oklahoma PBR program is a minor NSR streamlining mechanism to reduce the workload of reviewing and issuing individual permits for many, similar sources. The Oklahoma DEQ has the authority under OAC 252:100–7–15(b)(1) to develop and adopt a PBR for an industry if there are many facilities that have the same or substantially similar operations, emissions, and activities that are subject to the same standards, limitations, and operating and monitoring requirements. The Oklahoma DEQ submitted revisions to the PBR procedural requirements at OAC 252:100–7–60 that clarify the existing SIP-approved provisions to improve implementation of the PBR program. Revisions to OAC 252:100–7–60(a) clarify that any facility constructed or operated under a PBR will be exempt

for any other Subchapter 7 permitting requirements. New provisions at OAC 252:100–7–60(a)(2) state that a facility may only be registered under one PBR. Facilities can apply to change registration to another PBR provided the facility satisfies the applicability criteria under the new PBR. The revisions to OAC 252:100–7–60(b) provide additional clarity to the existing provisions, especially regarding changes made at a facility covered by a PBR. Any physical change or change in the method of operation that would cause the facility to no longer qualify for the PBR is a modification and will result in a change to the permit status of the facility. The owner or operator of the facility will either need to apply for an individual permit or seek coverage under another applicable PBR. Revisions submitted to OAC 252:100–7–60(c) update the existing SIP-approved provisions for registration under the PBR to provide clarity on the types of acceptable documentation identifying PBR registration. The new PBRs at OAC 252:100–7–60.6 for emergency engine facilities and at OAC 252:100–7–60.7 for gasoline dispensing facilities and gasoline dispensing facilities with emergency engines were developed consistent with the SIP-approved permit content provisions for minor NSR at OAC 252:100–7–15(d). The new PBRs identify the sources eligible for coverage, covered equipment, and applicable federal and state standards.

The EPA proposes to find that the submitted revisions to the procedural provisions for PBRs and the new specific PBRs at OAC 252:100–7–60.6 and OAC 252:100–7–60.7 are approvable as satisfying the requirements for minor NSR at 51.160. These revisions continue to ensure the use of PBRs is restricted to minor sources subject to OAC 252:100, Subchapter 7 and that the PBRs available to Oklahoma minor sources require compliance with all applicable federal and state standards to ensure continued protection of air quality.

6. General Updates for Minor Source Requirements Under OAC 252:100, Subchapter 7

Oklahoma submitted several revisions to the definitions for the OAC 252:100, Subchapter 7 permit program. Many of the submitted revisions are non-substantive to address formatting or grammar updates or provide clarifications to existing SIP-approved definitions. The EPA's evaluation of these non-substantive definition changes is presented in the TSD. We provide our evaluation of the substantive definition changes below.

The EPA proposes that each of these revisions is approvable and necessary for the proper implementation of the Oklahoma minor source permit program at OAC 252:100–7.

- On September 9, 2022, Oklahoma submitted the new definition of “administratively complete” at OAC 252:100–7–1.1 as adopted on June 21, 2022, effective September 15, 2022. This definition applies to any permit application under OAC 252:100–7 and is necessary for the implementation of the minor source program and the ability of a source to begin construction prior to construction permit issuance at OAC 252:100–7–2(b)(5).

- On September 9, 2022, Oklahoma submitted the new definition of “emergency engine” at OAC 252:100–7–1.1 as adopted on June 9, 2016, effective September 15, 2016. This new definition supports the new emergency engine PBR at OAC 252:100–7–60.6.

- On September 9, 2022, Oklahoma submitted the new definition of “Gasoline dispensing facility” as adopted on June 18, 2018, effective September 15, 2018. This new definition supports the new gasoline dispensing facility PBR at OAC 252:100–7–60.7.

- On September 9, 2022, Oklahoma submitted the new definition of “New portable source” as adopted on May 1, 2003, effective June 12, 2003. This definition is used by the existing SIP-provisions at OAC 252:100–7–17 for relocation permits for portable sources.

- On September 9, 2022, Oklahoma submitted the new definition of “Portable source” as adopted on May 1, 2003, effective June 12, 2003. This definition is used by the existing SIP-provisions at OAC 252:100–7–17 for relocation permits for portable sources.

- On September 9, 2022, Oklahoma submitted revisions to the definition of “Regulated air pollutant” adopted April 28, 2004, effective June 11, 2004, and adopted March 27, 2007, effective June 15, 2007. The definition has been updated to reference OAC 252:100, appendix P. The EPA SIP-approved OAC 252:100, appendix P on September 28, 2016 (81 FR 66535).

- On September 13, 2022, Oklahoma submitted the new definition of “Replacement unit” as adopted on June 11, 2021, effective September 15, 2021. This new definition is consistent with the federal definition of replacement unit in the PSD program at 40 CFR 51.166(b)(32). The definition is necessary for the implementation of the requirements at OAC 252:100–7–15 for modification of an existing facility.

On September 9, 2022, Oklahoma submitted revisions to OAC 252:100–7–

2(e), Requirement for permits for minor facilities, Change in permit status. The revisions adopted April 28, 2004, effective June 11, 2004, allow the owner or operator of a permitted facility to notify the Oklahoma DEQ that the facility is permit exempt and request termination of the permit. This provision works with the permit exempt category at OAC 252:100-7-1.1 to establish the exemption from construction permitting for the permit exempt category.

On September 9, 2022, Oklahoma submitted clarifying revisions to the transfer of permit revisions at OAC 252:100-7-2(f) adopted on March 30, 2005, effective June 15, 2005. The revisions specify that the transfer of ownership of a facility is an administrative amendment that will be processed using a form provided by the Oklahoma DEQ.

On September 9, 2022, Oklahoma submitted provisions for emission calculation methods adopted April 28, 2004, effective June 11, 2004. These provisions were further revised with revisions adopted on March 30, 2005, effective June 15, 2005. The requirements at OAC 252:100-7-2(g) specify that emission rates will be calculated using the SIP-approved methodology at OAC 252:100-5-2.1.

Oklahoma submitted updates to the provisions for minor source construction permits at OAC 252:100-7-15 adopted on April 28, 2004, March 27, 2008, May 1, 2012, June 21, 2021, and June 21, 2022. Many of these updates are non-substantive revisions to update formatting and separate the existing SIP-approved construction permit requirements into those specific to new facilities at OAC 252:100-7-15(a)(1), and those requirements specific to modifications of an existing facility at OAC 252:100-7-15(a)(2). The revisions to modifications to existing facilities adopted on June 11, 2021, effective September 15, 2021, add new provision OAC 252:100-7-15(a)(2)(C) to specify that the requirement to obtain a construction permit modification does not apply to the replacement of a piece of equipment if the replacement unit (defined at OAC 252:100-7-1.1) does not require a change in any emission limit in the existing permit. The EPA proposes to find that this exception for replacement units is approvable as consistent with 40 CFR 51.160. The Oklahoma DEQ has determined that replacing an existing unit with a replacement unit that does not alter the design parameters of the process unit, is identical to or functionally equivalent to the replaced unit and does not require an emission limit change in the minor

NSR construction permit will not result in a violation of applicable control strategies or interfere with attainment or maintenance.

The provisions for content of construction permit applications at OAC 252:100-7-15(c) were updated with revisions adopted March 28, 2002, April 28, 2004, and March 27, 2008. These revisions modify the existing SIP-approved requirements at OAC 252:100-7-15(c) to provide separate content requirements for individual permits at OAC 252:100-7-15(c)(1) and general permits at OAC 252:100-7-15(c)(2). The requirements specific to individual permits are reformatted into the new section structure. The new requirements for general permits specify that applicants will provide data on forms provided by the Oklahoma DEQ. The EPA proposes to find these revisions to the permit application content are approvable. The Oklahoma DEQ has developed the necessary procedures and forms that will be used to implement the SIP-approved minor source permit program.

Oklahoma submitted new provisions at OAC 252:100-7-15(h) adopted on June 11, 2021, clarifying the authorization to construct under a minor source construction permit expires upon the completion of the construction. The requirements established under the construction permit continue through the FESOP at OAC 252:100-7-18(f).

Oklahoma submitted updates to the provisions for minor source operating permits at OAC 252:100-7-18 adopted on April 28, 2004, March 27, 2008, May 1, 2012, and June 11, 2021. Many of these updates are non-substantive revisions to update formatting and separate the existing SIP-approved operating permit requirements into those specific to new facilities at OAC 252:100-7-18(a)(1), and those requirements specific to modifications of an existing facility at OAC 252:100-7-18(a)(2). The revisions to OAC 252:7-18(a) adopted on May 1, 2012, effective July 1, 2012, increase the period after commencement of operation where a source must submit an operating permit application. The Oklahoma DEQ determined that an increase from 60-days to 180-days after the commencement of operation for a new facility or a modification of an existing facility was appropriate because some industry sectors covered in the minor source operating program needed the longer timeframe to perform the required emissions tests. New requirements at OAC 252:100-7-18(b) adopted on March 27, 2008, effective July 1, 2008, establish the

administrative amendment process for minor source operating permits. An administrative amendment can be used to amend an operating permit to correct typographical errors, update administrative changes at a facility such as name, address, or phone number of a person identified in the permit, require more frequent monitoring or reporting by the permittee, and allow physical or operational changes that do not result in an emissions increase. These new provisions are structured like the administrative amendment criteria for title V operating permits at 40 CFR 70.7(d)(3). New requirements to the permit application requirements for administrative amendments were also adopted at OAC 252:7-18(e)(2). New provisions at OAC 252:100-7-18(c) adopted on March 27, 2008, effective July 1, 2008, state if the Oklahoma DEQ denies or revokes an operating permit that the owner/operator cannot cause or authorize the operation of the facility. The EPA proposes to find these revisions to the minor source operating permit requirements are approvable. The Oklahoma DEQ has developed the necessary procedures for the implementation of the Oklahoma minor source FESOP program.

7. Section 110(l) Evaluation of Revisions to OAC 252:100, Subchapter 7

CAA section 110(l) states that the "Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the Act." For purposes of the analysis under CAA section 110(l), we have considered the overall impact of the revisions to the minor source permitting program at OAC 252:100, Subchapter 7. The EPA regulations governing the criteria that states must satisfy for EPA approval of regulations specific to minor NSR programs are contained in 40 CFR 51.160-51.164. Our evaluation has demonstrated that the submitted revisions to the Oklahoma minor NSR program are consistent with the federal requirements establishing the legally enforceable procedures for the minor NSR program at 40 CFR 51.160 and for minor NSR public participation at 40 CFR 51.161. The submitted changes to expand public notice requirements for minor NSR permitting enhance the minor source program within the Oklahoma SIP but do not have direct impacts on emissions or air quality. Other submitted revisions to update definitions to maintain consistency with federal requirements or make other non-substantive edits to

update the program regulations are necessary to ensure functionality of the Oklahoma program but will have no impact on air quality. The Oklahoma DEQ provided adequate justification for the new exemptions from minor source permitting. The EPA reviewed air quality trend data for the state of Oklahoma from the time 2004 through present day, which is the period where the exemptions from minor NSR have been in effect. The State of Oklahoma has been and continues to be in attainment for all criteria pollutants. The EPA is proposing to find that the submitted revisions to OAC 252:100, Subchapter 7 the revisions to the Oklahoma minor NSR program are approvable as meeting CAA requirements for a minor NSR program and will not interfere with attainment, reasonable further progress or any other applicable requirement of the Act.

E. Evaluation of General Revisions to the Oklahoma SIP

On February 9, 2021, the ODEQ submitted revisions to OAC 252:100–1–2 adopted on June 25, 2020, effective September 15, 2020. The revisions to OAC 252:100–1–2, update the statutory citations to reference the current definitions in 27A O.S. 2–1–102 and 2–5–104. The EPA has determined that several of these statutory definitions are unique and not provided elsewhere through the Oklahoma regulations or the Oklahoma SIP; therefore, these definitions must be proposed for approval in the SIP to provide for proper implementation of the Oklahoma SIP. Specifically, we propose to include the definitions of “Department,” “Executive Director,” and “Person” at 27A O.S. 2–1–102 and the definitions of “Air contaminants,” “Air Pollution,” “Council,” “Director,” and “Person” at 27A O.S. 2–5–104.

The ODEQ submitted revisions on September 13, 2022, and May 30, 2025, to update the general definitions for the Oklahoma SIP at OAC 252:100–1–3. In the September 13, 2022, submittal the ODEQ provided amendments to OAC 252:100–1–3 that were adopted on June 11, 2021, and effective September 15, 2021, to add new definitions for “new source review” and “NSR permit”. In the May 30, 2025, submittal the ODEQ provided amendments to OAC 252:100–1–3 that were adopted on June 21, 2022, effective September 15, 2022, to add a new definition for “minor NSR”. The new definitions are necessary to promote clarity in the Oklahoma air permitting program.

The ODEQ submitted revisions on September 13, 2022, to section OAC 252:100–1–4 that were adopted on June

11, 2021, and effective September 15, 2021. In the September 13, 2022, submittal the ODEQ provided a new acronym at OAC 252:100–1–4(b) for ‘NSR’. This new acronym is necessary to promote clarity in the Oklahoma air permitting program.

The ODEQ submitted revisions on January 16, 2024, and May 30, 2025, to update the incorporation by reference provisions found in the Oklahoma SIP. In the January 16, 2024, submittal the ODEQ provided amendments to OAC 252:100–2–3 and appendix Q that were adopted on May 31, 2023, and effective September 15, 2023. The May 30, 2025, submittal included amendments to OAC 252:100–2–3 and appendix Q that were adopted on June 21, 2024, and effective September 16, 2024. These revisions ensure the Oklahoma SIP maintains consistency with current Federal requirements by updating the opening paragraph of OAC 252:100–2–3 to include the current incorporation by reference date and revoking and replacing the prior version of appendix Q. Specifically, the ODEQ updated the incorporation by reference requirements of:

- 40 CFR part 50, appendices B and J, to ensure the Oklahoma SIP uses the current Federal reference methods for determining compliance with the NAAQS,
- 40 CFR part 51, subpart A, table 1 to appendix A to use current requirements in the Oklahoma emission inventory reporting requirements,
- 40 CFR part 51, § 51.100(s)(1) of subpart F, to use the Federal definition of volatile organic compound,
- 40 CFR part 51, appendix P, to use Federal emission monitoring requirements,
- 40 CFR part 51, appendix W, to use current Federal guidance on air quality models, and
- 40 CFR part 98, table A–1 of subpart A, to use current global warming potentials in the Oklahoma air permitting programs.

The ODEQ submitted revisions on July 27, 2010, to update the definitions at OAC 252:100–5–1.1, with amendments adopted on May 1, 2009, effective July 1, 2009. These amendments remove the definitions of “gross particulate matter,” “part 70 source,” and “regulated air pollutant”. The definitions at OAC 252:100–5–1.1 are used solely for the implementation of OAC 252:100, Subchapter 5.

The ODEQ submitted revisions on May 30, 2025, to make a non-substantive update to the internal citation reference in OAC 252:100–23–3(a). This non-substantive amendment

was adopted on June 21, 2024, effective September 15, 2025.

The ODEQ submitted revisions on May 30, 2025, to make a non-substantive update to the terminology in OAC 252:100–35–1 to align with the existing terminology used elsewhere in OAC 252:100, appendices E and F. This non-substantive amendment was adopted on June 21, 2024, effective September 16, 2025.

F. Evaluation of SIP Clean-Up Actions Identified by the EPA

The current Oklahoma SIP includes provisions for Annual operating fees at OAC 252:100–5–2.2. CAA section 110(a)(2)(L) requires that each plan shall “require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover—(i) the reasonable costs of reviewing and acting upon any application for such a permit, and (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), *until* [emphasis added] such fee requirement is superseded with respect to such sources by the Administrator’s approval of a fee program under subchapter V of this chapter”. The Oklahoma part 70 Operating Permits program was approved on December 5, 2001. *See* 66 FR 63170. The Oklahoma Operating permits program includes the provisions at OAC 252:100–8–1.7, Permit application fees, and OAC 252:100–5–2.2, Annual operating fees. The EPA proposes to find that the fee program provisions approved in the Oklahoma title V program supersede the CAA section 110(a)(2)(L) fee requirement and OAC 252:100–5–2.2 will be removed from the Oklahoma SIP.

As part of our review of the submitted Oklahoma SIP revisions, the EPA found several errors in the table titled “EPA Approved Oklahoma Regulations” at 40 CFR 52.1920(c). We propose to correct these errors as follows:

- Entry for OAC 252:100–7–60.1 “Cotton gins” incorrectly lists the State citation as “252:100n–7–60.1”. This entry should be corrected to show the citation of “252:100–7–60.1”.
- Entry for OAC 252:100–5–1 is currently approved with a state effective date of June 11, 2001. The state effective date should be corrected to June 12, 2000.
- Entries for OAC 252:100–8–1, OAC 252:100–8–1.2, OAC 252:100–8–1.3, OAC 252:100–8–6.2, OAC 252:100–8–

7.3, OAC 252:100–8–7.4, and OAC 252:100–8–7.5 are currently approved with a state effective date of June 11, 2001. The state effective date for each entry should be corrected to June 25, 1998.

- Entries for OAC 252:100–8–1.4, OAC 252:100–8–1.5, and OAC 252:100–8–3 are currently approved with a state effective date of June 11, 2001. The state effective date for each entry should be corrected to June 1, 2001.

- Entries for OAC 252:100–8–30, OAC 252:100–8–37, OAC 252:100–8–38, OAC 252:100–8–50, OAC 252:100–8–53, OAC 252:100–8–54.1, OAC 252:100–8–55, and OAC 252:100–8–56 are currently approved with a state effective date of June 1, 2009. The state effective date for each entry should be corrected to July 1, 2009.

G. Updates to Rules of Practice and Procedure

Administrative procedures for permit issuance, public notice and administrative proceedings applicable to the entirety of the Oklahoma permitting program are at OAC 252:4. The current Oklahoma SIP includes the provisions in OAC 252:4, Subchapter 1—General Provisions, Subchapter 3—Meetings and Public Forums, Subchapter 5—Rulemaking, Subchapter 7—Environmental Permit Process, Subchapter 9—Administrative Proceedings, Subchapter 17—Electronic Reporting, and appendices A, B, C, and D.³ On September 13, 2022, the ODEQ submitted revisions to update the NSR permit program public notice provisions at OAC 252:4, Subchapter 7 and appendix C adopted on June 11, 2021, effective September 15, 2021. The revisions to OAC 252:4–7–13(g)(4) and (g)(6)–(9) and OAC 252:4–7–33 have already been evaluated as part of our evaluation of the revisions to the major and minor source permit programs in prior sections of this preamble. The remaining revisions to OAC 252:4 are more general and apply broadly to the entire air quality program. The EPA proposes to find that these submitted revisions expand and enhance the existing SIP public notice requirements for NSR permits.

- Revisions to the existing SIP-approved provisions at OAC 252:4–7–13(g) introductory paragraph and (g)(1), make non-substantive edits to correct internal references and improve clarity of the provisions.

- New requirements at OAC 252:4–7–13(g)(10) are approvable. These requirements specify that the Oklahoma DEQ Executive Director has the discretion to require public notice of other authorizations for Tier I applications such as burn approvals, administrative amendments for air quality applications, and individual authorizations under a general operating permit.

- Revisions to OAC 252:4, appendix C, are approvable. Appendix C does not establish new requirements; rather, this appendix summarizes and provides an easy reference to the public and regulated community of the permit processing requirements for each of the three tiers of permitting.

- Based on the evaluations presented in this preamble, the EPA proposes to revise the 40 CFR 52.1920(c) to show that the provisions in OAC 252:4, Subchapter 7 are applicable to the entirety of the Oklahoma air permitting program.

III. Impact on Areas of Indian Country

Following the U.S. Supreme Court decision in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), the Governor of the State of Oklahoma requested approval under section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users, Public Law 109–59, 119 Stat. 1144, 1937 (August 10, 2005) (“SAFETEA”), to administer in certain areas of Indian country (as defined at 18 U.S.C. 1151) the State’s environmental regulatory programs that were previously approved by the EPA outside of Indian country. The State’s request excluded certain areas of Indian country further described below. In addition, the State only sought approval to the extent that such approval was necessary for the State to administer a program in light of *Oklahoma Dept. of Environmental Quality v. EPA*, 740 F.3d 185 (D.C. Cir. 2014).⁴

The EPA has approved Oklahoma’s SAFETEA request to administer all of the State’s EPA-approved environmental regulatory programs in the requested areas of Indian country. As requested by Oklahoma, the EPA’s approval under SAFETEA does not include Indian country lands, including rights-of-way running through the same, that: (1) qualify as Indian allotments, the Indian

titles to which have not been extinguished, under 18 U.S.C. 1151(c); (2) are held in trust by the United States on behalf of an individual Indian or Tribe; or (3) are owned in fee by a Tribe, if the Tribe (a) acquired that fee title to such land, or an area that included such land, in accordance with a treaty with the United States to which such Tribe was a party, and (b) never allotted the land to a member or citizen of the Tribe (collectively “excluded Indian country lands”).

The EPA’s approval under SAFETEA expressly provided that to the extent the EPA’s prior approvals of Oklahoma’s environmental programs excluded Indian country, any such exclusions are superseded for the geographic areas of Indian country covered by the EPA’s approval of Oklahoma’s SAFETEA request.⁵ The approval also provided that future revisions or amendments to Oklahoma’s approved environmental regulatory programs would extend to the covered areas of Indian country (without any further need for additional requests under SAFETEA).

As explained above, the EPA is proposing approval of revisions to the Oklahoma air permitting program which will apply statewide in Oklahoma. Consistent with the D.C. Circuit’s decision in *ODEQ v. EPA* and with the EPA’s SAFETEA approval, these SIP revisions will apply to areas of Indian country as follows: (1) pursuant to the SAFETEA approval, the SIP revisions will apply to all Indian country in the State of Oklahoma other than the excluded Indian country lands as described above; and (2) pursuant to the D.C. Circuit’s decision in *ODEQ v. EPA*, the SIP revisions will also apply to any Indian allotments or dependent Indian communities that are located outside of any Indian reservation over which there has been no demonstration of Tribal authority.

IV. Proposed Action

We are proposing to approve under section 110 of the CAA, revisions to the Oklahoma SIP that update the Oklahoma NSR programs to maintain consistency with Federal requirements and revise the incorporation by reference dates for Federal requirements. We have determined that the following revisions were developed in accordance with the CAA and the

³ The Oklahoma SIP is available at 40 CFR 52.1920. Current provisions at OAC 252:4 were SIP-approved on December 29, 2008 (73 FR 79400), May 15, 2017 (82 FR 22281), and April 10, 2020 (85 FR 20178).

⁴ In *ODEQ v. EPA*, the D.C. Circuit held that under the CAA, states have the authority to implement a SIP in non-reservation areas of Indian country in the state, unless there has been a demonstration of Tribal jurisdiction. Under the D.C. Circuit’s decision, the CAA does not provide authority to states to implement SIPs in Indian reservations.

⁵ The EPA’s prior approvals relating to Oklahoma’s SIP frequently noted that the SIP was not approved to apply in areas of Indian country (except as explained in the D.C. Circuit’s decision in *ODEQ v. EPA*) located in the State. *See, e.g.*, 85 FR 20178, 20180 (April 10, 2020). Such prior expressed limitations are superseded by the EPA’s approval of Oklahoma’s SAFETEA request.

EPA's regulations, policy, and guidance for SIP development and NSR permitting. The EPA proposes approval of the following as revisions to the Oklahoma SIP:

- Removal of Regulations 1.4.1(a)–(c) and 1.4.2(a)–(d), (f), and (g) adopted on March 30, 1994, submitted May 16, 1994.

- Revisions to OAC 252:4–7–13, Notices, adopted on June 11, 2021, effective September 15, 2021, and submitted to the EPA on September 13, 2022.

- Revisions to OAC 252:100–4–7–32, Air quality applications—Tier I, adopted on March 25, 2003, effective June 1, 2003, and submitted to the EPA on May 24, 2018.

- Revisions to OAC 252:100–4–7–32, Air quality applications—Tier I, adopted on June 11, 2021, effective September 15, 2021, and submitted to the EPA on September 13, 2022.

- Revisions to OAC 252:100–4–7–33, Air quality applications—Tier II, adopted on June 11, 2021, effective September 15, 2021, and submitted to the EPA on September 13, 2022.

- Repeal of OAC 252:4, Appendix C—Permitting Process Summary, adopted on June 11, 2001.

- New OAC 252:4, Appendix C—Permitting Process Summary, adopted on June 11, 2021, effective September 15, 2021, and submitted to the EPA on September 13, 2022.

- Revisions to OAC 252:100–1–2, Statutory definitions, adopted on June 25, 2020, effective September 15, 2020, and submitted to the EPA on February 9, 2021.

- Revisions to OAC 252:100–1–3, Definitions, adopted on June 11, 2021, effective September 15, 2021, and submitted to the EPA on September 13, 2022.

- Revisions to OAC 252:100–1–3, Definitions, adopted on June 21, 2022, effective September 15, 2022, and submitted to the EPA on May 30, 2025.

- Revisions to OAC 252:100–1–4, Units, abbreviations and acronyms, adopted on June 11, 2021, effective September 15, 2021, and submitted to the EPA on September 13, 2022.

- Revisions to OAC 252:100–2–3, Incorporation by reference, adopted on May 31, 2023, effective September 15, 2023, and submitted to the EPA on January 16, 2024.

- Revisions to OAC 252:100–2–3, Incorporation by reference, adopted on June 21, 2024, effective September 16, 2024, and submitted to the EPA on May 30, 2025.

- Repeal of OAC 252:100, Appendix Q—Incorporation by reference, adopted on September 15, 2022.

- New OAC 252:100, Appendix Q—Incorporation by reference, adopted on June 21, 2024, effective September 16, 2024, and submitted to the EPA on May 30, 2025.

- Revisions to OAC 252:100–5–1.1, Definitions, adopted on May 1, 2009, effective July 1, 2009, and submitted to the EPA on July 27, 2010.

- Revisions to OAC 252:100–7–1.1, Definitions, adopted on May 1, 2003, effective June 12, 2003, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–1.1, Definitions, adopted on April 28, 2004, effective June 11, 2004, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–1.1, Definitions, adopted on March 27, 2007, effective June 15, 2007, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–1.1, Definitions, adopted on June 9, 2016, effective September 15, 2016, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–1.1, Definitions, adopted on June 18, 2018, effective September 15, 2018, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–1.1, Definitions, adopted on June 11, 2021, effective September 15, 2021, and submitted to the EPA on September 13, 2022.

- Revisions to OAC 252:100–7–1.1, Definitions, adopted on June 21, 2022, effective September 15, 2022, and submitted to the EPA on May 30, 2025.

- Revisions to OAC 252:100–7–2, Requirement for permits for minor facilities, adopted on April 28, 2004, effective June 11, 2004, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–2, Requirement for permits for minor facilities, adopted on March 30, 2005, effective June 15, 2005, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–2, Requirement for permits for minor facilities, adopted on March 27, 2008, effective July 1, 2008, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–2, Requirement for permits for minor facilities, adopted on June 9, 2016, effective September 15, 2016, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–2, Requirement for permits for minor facilities, adopted on June 18, 2018, effective September 15, 2018, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–2, Requirement for permits for minor

facilities, adopted on June 21, 2022, effective September 15, 2022, and submitted to the EPA on May 30, 2025.

- Revisions to OAC 252:100–7–15, Construction permit, adopted on March 28, 2002, effective June 1, 2002, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–15, Construction permit, adopted on April 28, 2004, effective June 11, 2004, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–15, Construction permit, adopted on March 27, 2008, effective July 1, 2008, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–15, Construction permit, adopted on May 1, 2012, effective July 1, 2012, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–15, Construction permit, adopted on June 11, 2021, effective September 15, 2021, and submitted to the EPA on September 13, 2022.

- Revisions to OAC 252:100–7–15, Construction permit, adopted on June 21, 2022, effective September 15, 2022, and submitted to the EPA on May 30, 2025.

- Revisions to OAC 252:100–7–18, Operating permit, adopted on April 28, 2004, effective June 11, 2004, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–18, Operating permit, adopted on March 27, 2008, effective July 1, 2008, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–18, Operating permit, adopted on May 1, 2012, effective July 1, 2012, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–18, Operating permit, adopted on June 11, 2021, effective September 15, 2021, and submitted to the EPA on September 13, 2022.

- Revisions to OAC 252:100–7–60, Permit by rule, adopted on June 19, 2024, effective September 12, 2024, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–60.6, Emergency engine facilities, adopted on June 9, 2016, effective September 15, 2016, and submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–7–60.7, Gasoline dispensing facilities and gasoline dispensing facilities with emergency engines, adopted on June 18, 2018, effective September 15, 2018, and

submitted to the EPA on September 9, 2022.

- Revisions to OAC 252:100–8–1.1, Definitions, adopted on March 27, 2008, effective July 1, 2008, and submitted to the EPA on June 24, 2010.

- Revisions to OAC 252:100–8–2, Definitions, adopted on March 25, 2003, effective June 1, 2003, and submitted to the EPA on June 24, 2010.

- Revisions to OAC 252:100–8–2, Definitions, adopted on March 30, 2005, effective on June 15, 2005, and submitted to the EPA on June 24, 2010.

- Revisions to OAC 252:100–8–2, Definitions, adopted on April 28, 2006, effective June 15, 2006, and submitted to the EPA on July 16, 2010.

- Revisions to OAC 252:100–8–2, Definitions, adopted on March 24, 2009, effective on July 1, 2009, and submitted to the EPA on June 24, 2010.

- Revisions to OAC 252:100–8–2, Definitions, adopted on May 3, 2011, effective on July 1, 2011, and submitted to the EPA on February 6, 2012.

- Revisions to OAC 252:100–8–2, Definitions, adopted on March 29, 2012, effective on July 1, 2012, and submitted to the EPA on January 18, 2013.

- Revisions to OAC 252:100–8–2, Definitions, adopted on June 13, 2017, effective September 15, 2017, and submitted to the EPA on January 8, 2018.

- Revisions to OAC 252:100–8–2, Definitions, adopted on March 1, 2021, effective September 15, 2021, and submitted to the EPA on September 13, 2022.

- Revisions to OAC 252:100–8–4, Requirements for construction and operating permits, adopted on March 30, 2005, effective June 15, 2005, and submitted to the EPA on June 24, 2010.

- Revisions to OAC 252:100–8–4, Requirements for construction and operating permits, adopted on March 24, 2009, effective July 1, 2009, and submitted to the EPA on June 24, 2010.

- Revisions to OAC 252:100–8–4, Requirements for construction and operating permits, adopted on March 29, 2012, effective July 1, 2012, and submitted to the EPA on January 18, 2013.

- Revisions to OAC 252:100–8–4, Requirements for construction and operating permits, adopted on June 11, 2021, effective September 15, 2021, and submitted to the EPA on September 13, 2022.

- Revisions to OAC 252:100–8–4, Requirements for construction and operating permits, adopted on June 21, 2022, effective September 15, 2022, and submitted to the EPA on May 30, 2025.

- Revisions to OAC 252:100–8–5, Permit applications, adopted on March

25, 2003, effective June 1, 2003, and submitted to the EPA on June 24, 2010.

- Revisions to OAC 252:100–8–5, Permit applications, adopted on June 11, 2021, effective September 15, 2021, and submitted to the EPA on September 13, 2022.

- Revisions to OAC 252:100–8–6, Permit content, adopted on March 30, 2005, effective June 15, 2005, and submitted to the EPA on June 24, 2010.

- Revisions to OAC 252:100–8–6.1, General permits, adopted on March 30, 2005, effective June 15, 2005, and submitted to the EPA on June 24, 2010.

- Revisions to OAC 252:100–8–7, Permit issuance, adopted on March 30, 2005, effective June 15, 2005, and submitted to the EPA on June 24, 2010.

- Revisions to OAC 252:100–8–7.2, Administrative permit amendments and permit modifications, adopted on March 25, 2003, effective June 1, 2003, and submitted to the EPA on June 24, 2010.

- Revisions to OAC 252:100–8–7.2, Administrative permit amendments and permit modifications, adopted on June 15, 2021, effective September 15, 2021, and submitted to the EPA on September 13, 2022.

- Revisions to OAC 252:100–8–8, Permit review by EPA and affected states, adopted on March 28, 2002, effective June 1, 2002, and submitted to the EPA on June 24, 2010.

- Revisions to OAC 252:100–8–8, Permit review by EPA and affected states, adopted on June 11, 2021, effective September 15, 2021, and submitted to the EPA on September 13, 2022.

- Revisions to OAC 252:100–8–36.1, Public participation, adopted on June 21, 2022, effective September 15, 2022, and submitted to the EPA on January 24, 2023.

- Revisions to OAC 252:100–8–36.2, Source obligation, adopted on June 21, 2022, effective September 15, 2022, and submitted to the EPA on January 24, 2023.

- Revisions to OAC 252:100–23–3(a), Applicability, general requirements, adopted on June 21, 2024, effective September 16, 2024, and submitted to the EPA on May 30, 2025.

- Revisions to OAC 252:100–35–1, Purpose, adopted on June 21, 2024, effective September 16, 2024, submitted to the EPA on May 30, 2025.

- Definitions of “Air contaminants,” “Air pollution,” “Council,” “Director,” and “Person” at 27A Oklahoma Statutes (O.S.) 2–5–104.

- Definitions of “Department,” “Executive Director,” and “Person” at 27A 2–1–102.

The EPA is proposing that the provisions in OAC 252:4–7–1, 4–7–2, 4–

7–3, 4–7–4, 4–7–5, 4–7–6, 4–7–7, 4–7–8, 4–7–9, 4–7–10, 4–7–11, 4–7–12, 4–7–13, 4–7–14, 4–7–15, 4–7–16, 4–7–17, 4–7–18, 4–7–19, and 4–7–31 are applicable to the entirety of the Oklahoma air permit program and the amendatory language table at 40 CFR 52.1920(c) should be modified to reflect this finding and remove the comments from the Explanation column.

The EPA is proposing to remove OAC 252:100–5–2.2 from the Oklahoma SIP at 40 CFR 52.1920(c) because the CAA section 110(a)(2)(L) fee requirement has been superseded by the approved Oklahoma part 70 program.

The EPA is proposing to remove definitions of “affected source,” “affected unit,” paragraph (E) of “applicable requirement,” “designated representative,” “responsible official,” “small unit,” and “unit” from OAC 252:100–8–2, OAC 252:100–8–4(b)(9), OAC 252:100–8–6(a)(5), and OAC 252:100–8–6.3 from the Oklahoma SIP at 40 CFR 52.1920(c) because these provisions pertain solely to Acid Rain program requirements that are implemented through the approved Oklahoma part 70 program.

The EPA is proposing to update the amendatory language table at 40 CFR 52.1920(c) to correct the citation for OAC 252:100–7–60.1, Cotton gins, and correct the state effective dates for OAC 252:100–5–1, OAC 252:100–8–1, OAC 252:100–8–1.2, OAC 252:100–8–1.3, OAC 252:100–8–1.4, OAC 252:100–8–1.5, OAC 252:100–8–3, OAC 252:100–8–6.2, OAC 252:100–8–7.3, OAC 252:100–8–7.4, OAC 252:100–8–7.5, OAC 252:100–8–30, OAC 252:100–8–37, OAC 252:100–8–38, OAC 252:100–8–50, OAC 252:100–8–53, OAC 252:100–8–54.1, OAC 252:100–8–55, OAC 252:100–8–56.

V. Incorporation by Reference

In this action, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are proposing to incorporate by reference revisions to the Oklahoma regulations for air permitting as described in section III. of this preamble, Proposed Action. We have made, and will continue to make, these documents generally available electronically through <https://www.regulations.gov> (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the

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

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

This proposed approval of revisions to the Oklahoma SIP that update the Oklahoma regulations for air permitting will apply, if finalized as proposed, to certain areas of Indian country throughout Oklahoma as discussed in the preamble, and therefore has Tribal implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). However, this action will neither impose substantial direct compliance costs on federally recognized Tribal governments, nor preempt tribal law. This action will not impose substantial direct compliance costs on federally recognized Tribal governments because no actions will be required of Tribal governments. This action will also not preempt Tribal law as no Oklahoma

Tribe implements a regulatory program under the CAA, and thus does not have applicable or related Tribal laws.

Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes (December 7, 2023), the EPA has offered consultation to Tribal governments that may be affected by this action and provided information about this action.

List of Subjects in 40 CFR Part 52

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

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

Dated: September 29, 2025.

Walter Mason,

Regional Administrator, Region 6.

[FR Doc. 2025–19989 Filed 11–14–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2025–0290; FRL–12965–01–R2]

Approval of Source-Specific Air Quality Implementation Plan; New York; Calpine JFK Energy Center

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine a revision to the State of New York's State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standard (NAAQS) related to a Source-specific SIP (SSSIP) revision for Calpine JFK Energy Center, located at Kennedy International Airport, Building 49, Jamaica, NY 11430 (the Facility) is approvable. The EPA is proposing to find that the control options in this SSSIP revision implement Reasonably Available Control Technology (RACT) with respect to NO_x emissions from the relevant Facility sources, which are identified as six mid-size emergency hot water boilers. This SSSIP revision is intended to implement NO_x RACT for the relevant Facility sources in accordance with the requirements for implementation of the 2008 and 2015 ozone NAAQS. The EPA proposes to determine that this action will not interfere with ozone NAAQS

requirements and meets all applicable requirements of the Clean Air Act (CAA).

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R02–OAR–2025–0290 at <https://www.regulations.gov>. Although listed in the index, some information is not publicly available, *e.g.*, Controlled Unclassified Information (CUI) (formerly referred to as Confidential Business Information (CBI)) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be CUI or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CUI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Stephanie Lin, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866, telephone number: (212) 637–3711, email address: lin.stephanie@epa.gov.

SUPPLEMENTARY INFORMATION: For additional information on regulatory background and the EPA's technical findings relating to the Facility RACT, the reader can refer to the Technical Support Document (TSD) that is contained in the EPA docket assigned to this **Federal Register** document.

Table of Contents

I. Background

- II. The EPA's Evaluation of New York's Submission and RACT Analysis
- III. Proposed Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Background

Ground Level Ozone Formation

Ground level ozone is predominantly a secondary air pollutant created by chemical reactions that occur when ozone precursors, including nitrogen oxides (NO_x) and volatile organic compounds (VOC), chemically react in the presence of sunlight. Emissions from industrial facilities are anthropogenic sources of ozone precursors. The potential for ground-level ozone formation tends to be highest during months with warmer temperatures and stagnant air masses. Ozone levels are thus generally higher during the summer months, which is often referred to as "the ozone season." In New York, the ozone season is generally considered to be between April 15 and October 15, while the non-ozone season is generally considered to be between October 16 and April 14.

Ozone Nonattainment

A geographic area of the United States that is not meeting the primary or secondary National Ambient Air Quality Standard (NAAQS) for ozone is described as a nonattainment area.¹ Nonattainment areas are classified as either Marginal, Moderate, Serious, Severe, or Extreme. With respect to this proposed action, there are two relevant ozone NAAQS standards. First, on March 12, 2008, the EPA promulgated a revision to the ozone NAAQS, setting both the primary and secondary standards at 0.075 parts per million (ppm) averaged over an 8-hour time frame (2008 8-hour Ozone Standard). See 73 FR 16436 (March 27, 2008). Second, on October 1, 2015, the EPA lowered these standards to 0.070 ppm averaged over an 8-hour time frame (2015 8-hour Ozone Standard). See 80 FR 65292 (October 26, 2015). Under CAA section 184, the State of New York is located within the Ozone Transport Region (OTR), which means that it is subject to statewide RACT requirements. This Facility is also located in the New York–N. New Jersey–Long Island (NYMA) ozone nonattainment area for both the 2008 and 2015 ozone NAAQS and is a major

source of NO_x. Therefore, RACT is also being implemented for this facility for nonattainment planning purposes related to CAA section 182.

Federal RACT Requirements

RACT is defined as the lowest emission limit that a source is capable of meeting through the application of control technology that is reasonably available considering technological and economic feasibility.² CAA section 184(b)(2) sets forth the requirement to establish control measures to implement RACT for major sources of VOC located in the OTR. For major sources of NO_x, CAA section 182(f)(1) also applies, "The plan provisions required under this subpart for major stationary sources of volatile organic compounds shall also apply to major stationary sources (as defined in section 7602 of this title and subsections (c), (d), and (e) of this section) of oxides of nitrogen." The State of New York is located within the OTR, and thus the State is required to implement RACT for all major sources of VOC within the State.

NYSDEC RACT Requirements

The New York State Department of Environmental Conservation (NYSDEC) RACT regulations require applicable facilities to meet certain requirements, referred to as "presumptive RACT requirements." These presumptive requirements generally require sources to implement emission limits, control efficiency requirements, specific control technologies, averaging plans, and/or fuel/raw material switching practices. In some instances, the general presumptive RACT requirements may not be technologically or economically feasible for a certain source, and the State can make a Source-specific RACT determination, which is submitted to the EPA as a SSSIP. The SSSIP should include the facility's RACT plan that demonstrates how the facility will implement RACT. The SSSIP will also include the applicable CAA title V operating permit conditions that address RACT requirements. These RACT variance permit conditions for the Facility will become Federally enforceable upon the EPA's final approval of this SSSIP.

Under existing NYSDEC RACT regulations, facilities are required to assess all technologically feasible control options that meet the State's cost threshold. The cost threshold for NYSDEC RACT requirements is found

under NYSDEC 2013 policy, "DAR–20 Economic and Technical Analysis for Reasonably Available Control Technology (RACT)." Under this policy, facilities must consider in their RACT determinations control technologies that remove VOC or NO_x emissions up to a certain cost threshold, expressed in a dollar amount per ton of VOC or NO_x removed, which includes an inflation-adjusted economic threshold.³

II. The EPA's Evaluation of New York's Submission and RACT Analysis

This action relates to a SSSIP revision that concerns the Calpine Corporation Kennedy International Airport Cogeneration (KIAC)/John F. Kennedy (JFK) Energy Center (the Facility)—located in the central terminal area of the JFK International Airport in Jamaica, NY. The Facility supplies electricity to the airport and the Consolidated Edison (Con Ed) Power Distribution Grid. The Facility also supplies steam to the airport's central heating and refrigeration plant. The sources at issue in this action are for the Facility's six mid-size emergency hot water boilers (the Boilers). The Boilers are used intermittently to supplement hot water generation at the airport when the combustion turbine-based cogeneration units are unavailable or cannot meet demand.

The NYSDEC RACT regulations establish RACT requirements for this category of sources in 6 NYCRR subpart 227–2, "Reasonably Available Control Technology (RACT) For Major Facilities of Oxides of Nitrogen (NO_x)," last approved into New York's SIP by the EPA on July 12, 2013. See 78 FR 41846. However, as explained above, the NYSDEC RACT regulations allow Source-specific RACT determinations if the presumptive RACT requirements are not technologically or economically feasible; such Source-specific determinations must be submitted to the EPA as a SSSIP.

This SSSIP was submitted to EPA by NYSDEC on June 9, 2023. The EPA has reviewed the RACT determination in this SSSIP submittal for the Boilers for consistency with the CAA and EPA regulations, as interpreted through EPA actions and guidance. The intended effect of this Source-specific SIP revision is to establish an emission limit for the process specific control measure for the Boilers.

¹ Primary standards provide public health protection, including protecting the health of "sensitive" populations such as asthmatics, children, and the elderly. Secondary standards provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.

² See, EPA, "Guidance for determining acceptability of SIP regulations in non-attainment areas," memo 1976, Roger Strelow, https://www3.epa.gov/ttn/naaqs/aqmguide/collection/cp2/19761209_strelow_ract.pdf.

³ The DAR–20 cost threshold is based on 1994 dollars. State of New York relies on the U.S. Department of Labor, Bureau of Labor Statistics inflationary calculator to adjust the RACT economic feasibility threshold over time for inflation. See https://www.bls.gov/data/inflation_calculator.htm.

The EPA is proposing to determine through this SSSIP action that the NO_x RACT emission limit submitted by the State in this SSSIP for the Boilers is the lowest emission limit with the application of control technology that is reasonably available given technological and economic feasibility considerations. The respective NO_x RACT emission limit is contained in the Facility's air permit, Title V operating permit, 2–6308–00096/00009 under conditions 56, 57, 58, emission unit B–OILRS issued by the State on June 28, 2022, and expires on June 27, 2027. EPA is proposing to approve the incorporation of permit conditions 56, 57, and 58 into the SIP. These conditions include monitoring, reporting, and recordkeeping requirements for the Boilers further described in the EPA RACT analysis below.

The Facility submitted a RACT demonstration, dated January 2022, to the NYSDEC for the emission limit requirements, and NYSDEC reviewed and approved the emission limit as adequately implementing RACT for the source. NYSDEC then submitted the Source-specific SIP revision package at issue in this action for the EPA approval, and the EPA is proposing to determine the respective emission limit as implementing RACT for this source. The RACT variance emission limit for the Facility will become Federally enforceable upon the EPA's final approval of this SSSIP.

EPA RACT Analysis

The following is a summary of the EPA's analysis of how the proposed NO_x emission limit implements RACT for emission unit B–OILRS that represent the Boilers. Further detail on this analysis is provided in the TSD available in the docket for this proposed rulemaking.

The RACT demonstration must show an alternate emission limit to comprise RACT and a RACT variance can be requested pursuant to 6 NYCRR subpart 227–2. Such a RACT variance can be approved if supported by a RACT demonstration and submitted to the EPA for review as a SIP revision.

The Facility's RACT demonstration shows that the control of NO_x emissions during hot water generation is the only NO_x control technology that is technologically and economically feasible for this facility. Currently, the Facility does not limit the NO_x emissions from the Boilers with any technologies. In its RACT demonstration, the Facility demonstrated that no cost-effective controls were technically feasible. The Facility operates the Boilers, which are

intermittently used to produce additional hot water for JFK Airport when the combustion turbine-based cogeneration units are not available or cannot otherwise meet the airport demand. As described below, the Boilers are characterized as mid-size boilers under 6 NYCRR subpart 227–2. Based upon emission test data, these six units do not meet the presumptive emission limitations. In accordance with the provisions of 6 NYCRR subpart 227–2.5(c), the owner or operator can request a higher emission limit but must demonstrate that the emission limit in 6 NYCRR subpart 227–2.4 is not technically or economically feasible.

As stated in permit Conditions 56, 57, and 58, the Facility must: monitor NO_x total annual emissions monthly with a rolling 12-month maximum, and report annually and monitor the Boilers when firing low sulfur distillate oil or natural gas once every five years with a one-hour average with a report once per batch or monitoring occurrence.

The Boilers generate NO_x emissions during hot water generation, range in size (heat input capacity) from 40 MMBtu/hr to 75 MMBtu/hr and are capable of firing natural gas or distillate oil. Per 6 NYCRR 200.1(c), a “boiler” is defined as a device that combusts fossil fuel or wood and produces steam or heats water or any other heat transfer medium. The Boilers combust a fossil fuel (natural gas or distillate sulfur oil) and heat water. Per 6 NYCRR 227–2.2(b)(4), a “mid-size boiler” is defined as a boiler with a maximum heat input capacity greater than 25 million Btu per hour and equal to or less than 100 million Btu per hour.

NYSDEC reviewed the RACT demonstration and determined that the alternate emission limit implements RACT for the Boilers. Specifically, NYSDEC approved the following case-by-case emission limit: (1) total emissions of 24 tons per year (tons/yr) of NO_x from emission unit B–OILRS, on a rolling 12-month basis, with the total monthly NO_x emissions for each boiler calculated on a monthly basis; (2) records of monthly NO_x emissions shall be maintained in a permanently bound log or in electronic format with reporting requirements annually and reports due 30 days after the reporting period; (3) maximum NO_x emission rate of 0.15 lb/MMBtu per hour for each of the Boilers when firing natural gas, and 0.25 lb/MMBtu per hour when firing distillate oil; and (4) NO_x emission testing once every five years to verify that the actual NO_x emissions from a particular boiler are less than the maximum limits per hour when firing low sulfur distillate oil or natural gas.

We are proposing to determine that the following additional technically feasible control options do not need to be implemented because they are not cost effective: (1) fuel switching; (2) low-NO_x burners; and (3) flue gas recirculation.

To determine what NO_x control technologies could be economically and technologically feasible for the Boilers, the EPA reviewed the Reasonably Available Control Technology/Best Available Control Technology/Lowest Achievable Emission Rate Clearinghouse (RBLC),⁴ EPA's Alternative Control Techniques (ACT) and Control Techniques Guidelines (CTG), and the vendor quote provided by the State as part of the RACT evaluation. The EPA's RBLC search criteria were based on: permit dates from June 28, 2012 to June 28, 2022, process types for Commercial/Institutional-Size Boilers/Furnaces (<100 million BTU/H): 13.900 Other Fuels and Combinations (e.g., solid/liquid, liquid/gas); 13.220 Distillate Fuel Oil (ASTM #1,2, includes kerosene, aviation, diesel fuel); 13.310 Natural Gas (includes propane and liquefied petroleum gas), NO_x pollutant, and All States. The EPA's RBLC review reveals that there are 54 facilities in the United States that possibly operate with similar practices as the Facility (such as having boilers or being an energy generating facility). The EPA also reviewed one vendor quote for the Boilers as contained in the SSSIP submission, and they appear to be technically sound. The EPA confirms that no cost-effective NO_x control technologies have become available that could be implemented on the Facility's Boilers. For more information, refer to the TSD associated with this rulemaking.

The EPA is proposing to determine that the proposed limit for the Boilers implements RACT because: (1) The 6 NYCRR subpart 227–2 presumptive NO_x limit for the Boilers of 0.08 lbs/MMBtu is not economically and technologically feasible for this source; (2) no additional control technologies beyond what are currently used at the Boilers are technically and economically feasible; (3) emission limit of maximum NO_x emission rate of 0.15 lb/MMBtu per hour for each of the Boilers when firing natural gas, and 0.25 lb/MMBtu per hour when firing distillate oil comprises RACT for this

⁴ The RBLC contains case-specific information on the best available air pollution technologies that have been required to reduce the emission of air pollutants from stationary sources. See <https://cfpub.epa.gov/rblc/index.cfm?action=Search.BasicSearch&lang=en>.

source; and (4) the SIP revision contains monitoring and reporting requirements.

III. Proposed Action

The EPA is proposing to approve this current Source-specific revision because the limits included in the SSSIP are demonstrated to implement RACT for emission unit B-OILRS that represent the Boilers. Based on information provided by NYSDEC, a thorough RBLC review of similar sources and EPA's Alternative Control Techniques (ACT) and Control Techniques Guidelines (CTG), and an analysis of this Source-specific SIP revision, the EPA proposes to determine the Facility's operation under the NYSDEC approved NO_x emission limits for the Facility's Boilers.

Specifically, the EPA proposes to determine the following limits and associated requirements as implementing RACT: the Facility must: (1) have a maximum total emissions of 24 tons/yr of NO_x from the Boilers, on a rolling 12-month basis, with the total monthly NO_x emissions for each boiler calculated on a monthly basis; (2) maintain records of monthly NO_x emissions in a permanently bound log or in electronic format with reporting requirements annually and reports due 30 days after the reporting period; (3) have a maximum NO_x emission rate of 0.15 lb/MMBtu per hour for each of the Boilers when firing natural gas, and 0.25 lb/MMBtu per hour when firing distillate oil; and (4) conduct NO_x emission testing once every five years to verify that the actual NO_x emissions from a particular boiler are less than the maximum limits per hour when firing low sulfur distillate oil or natural gas.

IV. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference revisions to Facility's Title V operating permit conditions 56, 57, 58 as described in section II. of this preamble. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov>.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action

merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements.

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

Michael Martucci,

Regional Administrator, Region 2.

[FR Doc. 2025-19992 Filed 11-14-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 370

[EPA-HQ-OLEM-2025-0299; FRL-12698-03-OLEM]

RIN 2050-AH40

Technical Amendments to the EPCRA Hazardous Chemical Inventory Reporting Requirements To Conform to the 2024 OSHA Hazard Communication Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency is proposing to conform the Emergency Planning and Community Right-to-Know Act hazardous chemical inventory reporting regulations to the Occupational Safety and Health Administration's Hazard Communication Standard amendments of 2012 and 2024. The Emergency Planning and Community Right-to-Know Act and its regulations rely on the Occupational Safety and Health Administration's Hazard Communication Standard for the definition of a *hazardous chemical* and for the categories of health and physical hazards that must be reported under the hazardous chemical inventory regulations. This action proposes to conform the terminology used and information that must be reported on the hazardous chemical inventory forms to the Hazard Communication Standard amendments. As a result, this proposed action would also improve first responder and community safety, reduce discrepancies and confusion, prevent interpretation burdens on facilities when using (Material) Safety Data Sheets to complete annual hazardous chemical inventory reports, and improve clarity. In the "Rules and Regulations" section of this **Federal Register**, we are intending to implement the proposed amendments in this proposed rule as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule.

DATES: Written comments must be received by December 17, 2025. Comments on the information collection provisions of the proposed rule under the PRA must be received by the Office of Management and Budget's Office of Information and Regulatory Affairs (OMB-OIRA) on or before December 17, 2025. Please refer to the PRA section under "Statutory and Executive Order

Reviews” in this preamble for specific instructions.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OLEM–2025–0299, by any of the following methods:

- **Federal eRulemaking Portal:**
<https://www.regulations.gov/> (our preferred method).
- **Mail:** U.S. Environmental Protection Agency, EPA Docket Center, Office of Emergency Management Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- **Hand Delivery or Courier:** EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center’s hours of operations are 8:30 a.m. to 4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. EPA–HQ–OLEM–2025–0299 for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov>, including personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jennifer Barre, Regulation Implementation Division of the Office of Emergency Management (5104A), Environmental Protection Agency, 1200 Pennsylvania Ave NW, Washington, DC 20460; telephone number: (240) 644–4559; email address: barre.jennifer@epa.gov; websites: <https://www.epa.gov/epcra/emergency-planning-and-community-right-know-act-non-section-313-regulations-and-amendments>.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Why is EPA issuing this proposed rule?
- II. Public Participation—Written Comments
- III. General Information
 - A. Summary of This Action
 - B. Who does this regulation apply to?
 - C. What does this regulation require from facilities?
 - D. Why is the Agency taking this action?
 - E. What is the Agency’s authority for taking this action?
 - F. What are the incremental costs and benefits of this action?
- IV. Revisions to 40 CFR Part 370
 - A. History of EPCRA Hazard Categories
 - B. Revisions to EPCRA Hazard Categories
 - C. Revisions to EPCRA Definitions
 - D. Other Revisions to 40 CFR Part 370
 - E. Summary of Revisions to 40 CFR Part 370
- V. Statutory and Executive Orders Reviews

- A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
- B. Executive Order 14192: Unleashing Prosperity Through Deregulation
- C. Paperwork Reduction Act (PRA)
- D. Regulatory Flexibility Act (RFA)
- E. Unfunded Mandates Reform Act (UMRA)
- F. Executive Order 13132: Federalism
- G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
- I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use
- J. National Technology Transfer and Advancement Act (NTTAA)

I. Why is EPA issuing this proposed rule?

This document proposes to amend 40 CFR part 370 to conform to the 2012 and 2024 amendments to the Occupational Safety and Health Administration’s (OSHA’s) Hazard Communication Standard (HCS) [29 CFR 1910.1200].¹ The Emergency Planning and Community Right-to-Know Act (EPCRA) statute [42 U.S.C. Chapter 116]² relies on the Occupational Safety and Health (OSH) Act of 1970 [29 U.S.C. Chapter 15]³ and OSHA’s implementing regulations [29 CFR 1910.1200] for the definitions of hazardous chemical, physical hazard, and health hazard and the hazardous chemical reporting hazard categories. More specifically, section 311(e) of the EPCRA statute and its attendant regulation at 40 CFR 370.66⁴ define *hazardous chemical* as any hazardous chemical defined under 29 CFR 1910.1200(c). The EPCRA statute further requires that hazardous chemical inventory reporting be grouped into categories of health and physical hazards as set forth under the OSH Act and its implementing regulations [42 U.S.C. 11021(a)(2)(A)(1) and section 11022(a)(1)]. This action proposes to adopt the OSHA definitions and hazard categories as is required by the EPCRA statute and its regulations. EPA anticipates that this proposed action will improve first responder and community safety; prevent interpretation burdens for facilities, states, local agencies, and fire departments; and improve clarity without increasing the regulatory burden under EPCRA. We have published a direct final rule to implement the amendments in this document as a direct final rule without a prior proposed rule in the “Rules and Regulations” section of this **Federal**

Register because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We would address all public comments in any subsequent final rule based on this proposed rule. If the Agency receives adverse comment on a distinct provision of this rulemaking, we will publish a timely withdraw in the **Federal Register** indicating which provisions we are withdrawing. The provisions which are not withdrawn will become effective on the date set out above, notwithstanding adverse comment on any other provision.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

II. Public Participation—Written Comments

Submit your comments, identified by Docket ID No. EPA–HQ–OLEM–2025–0299, at <https://www.regulations.gov> (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA’s docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

III. General Information

A. Summary of This Action

EPA is proposing to amend its hazardous chemical inventory reporting regulations at 40 CFR part 370 to conform to OSHA's Hazard Communication Standard (HCS) updates of 2012 and 2024 and to make minor corrections for plain language, clarity, and consistency.

In 2012, the OSHA HCS, codified at 29 CFR 1910.1200, was amended to adopt the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS) [77 FR 17574; March 26, 2012⁵]. Among these 2012 OSHA HCS amendments, OSHA replaced the term *Material Safety Data Sheet (MSDS)* with the term *Safety Data Sheet (SDS)* and also stated that these two terms mean the same thing. In alignment, EPA amended its hazardous chemical reporting regulations at 40 CFR part 370 to conform to these changes [81 FR 38104; June 13, 2016⁶ and 81 FR 47311; July 21, 2016⁷]. The EPA 2016 amendments included adding the term SDS to the regulation so that both terms are used together throughout 40 CFR part 370. In this action, EPA is proposing to remove use of the term MSDS to conform to the OSHA HCS and to improve readability of the regulation in the following sections: §§ 370.1, 370.3, 370.10, 370.12, 370.13, 370.14, 370.20, centered heading, 370.30, 370.31, 370.32, 370.33, 370.60, 370.62, 370.63, and 370.64.

In 2024, the OSHA HCS, codified at 29 CFR 1910.1200, was further amended to conform to revisions of the United Nations Globally Harmonized System of Classification and Labelling of Chemicals [89 FR 44144; May 20, 2024⁸ and 89 FR 81829; October 9, 2024⁹]. This update improves awareness of chemical hazards by instituting changes as to how chemical hazards are reported on SDSs. Hazards reported on SDSs are used for reporting hazardous chemical inventories under EPCRA sections 311 and 312 [42 U.S.C. 11021 and 11022¹⁰]. In this action, EPA is proposing to amend the EPCRA hazard categories to conform with the 2024 OSHA HCS and make the conforming amendments to the following sections: §§ 370.3, 370.30, 370.41, and 370.42.

The Agency is also proposing to make minor plain language, clarifying, and consistency corrections in the following sections: §§ 370.1, 370.2, 370.3, 370.10, 370.14, 370.30, 370.32, 370.33, 370.40, 370.41, 370.42, 370.43, 370.44, 370.45, 370.60, 370.61, 370.62, 370.64, 370.65, and 370.66. These corrections include capitalizing each letter of the term *Extremely Hazardous Substance* at

§ 370.66. Additionally, the Agency is proposing to move the definitions for this part from § 370.66 to § 370.3, amend the title of § 370.3 to be *Definitions*, amend the title of § 370.66 to be *[Reserved]*, and add a note to § 370.66 that the definitions are now in § 370.3. These adjustments add clarity to the regulation by providing definitions of key words prior to the requirements. Further, EPA is proposing to remove the historic compliance dates from § 370.33 and § 370.45, as well as remove the historic clarifications for electronic reporting from § 370.41 and § 370.42. These removals would improve the readability of the regulation by removing irrelevant information.

B. Who does this regulation apply to?

Sections 311 and 312 of the EPCRA statute, and its implementing regulations at 40 CFR part 370, apply to the owners and operators of facilities that are required to prepare or have an SDS for any hazardous chemical defined under the OSHA HCS and its implementing regulations. EPCRA section 311(e) defines the term *hazardous chemical* to have the same meaning as in 29 CFR 1910.1200(c), except for certain substances exempted in EPCRA section 311(e) [42 U.S.C. 11021(e)]. 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.

C. What does this regulation require from facilities?

The regulations found at 40 CFR part 370 codify the statutory requirements of EPCRA sections 311 and 312. These EPCRA hazardous chemical inventory reporting requirements were first promulgated in 1987 [53 FR 38344; October 15, 1987].¹¹ Section 311 requires that facilities submit SDSs of hazardous chemicals or a list of hazardous chemicals grouped into categories of health and physical hazards as defined in OSHA's HCS to the State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), and local fire department with jurisdiction over the facility. This is a one-time submittal with resubmission requirements if there is significant new information for existing hazardous chemicals, new hazardous chemicals present at the facility, or upon request by the LEPC as required at 40 CFR 307.31. Section 312 requires that facilities submit an emergency and hazardous chemical inventory form to the SERC, LEPC, and local fire department, by March 1st annually. The inventory form provides

the health and physical hazards of each hazardous chemical as well as the locations and quantities present at the facility during the previous calendar year. There are two reporting tiers, Tier I and Tier II.

SERCs provide direction for facilities in their states for whether a Tier I or a Tier II form is required to be submitted. Currently, all states require use of the Tier II inventory form, which provides specific information on each hazardous chemical for developing and maintaining local emergency response plans. The Tier I inventory form provides only general information on hazardous chemicals and is currently not accepted by any state for reporting under the EPCRA section 312.

Note that the term SERC includes Tribal Emergency Response Commissions (TERCs) and the term LEPC includes any Tribal Emergency Planning Committees (TEPCs). Facilities on Tribal lands need to verify with their Tribe which SERC or TERC, LEPC or TEPC, and fire department to submit the EPCRA 311 and 312 hazardous chemical inventory reports to. [55 FR 3062; July 26, 1990]¹²

D. Why is the Agency taking this action?

EPA is proposing to take this action to meet its responsibilities as the Administrator of the EPCRA statute [42 U.S.C. 11049(1)] by ensuring that the hazardous chemical inventory reporting requirements are in conformance with the OSHA HCS SDS requirements, publishing a uniform format for inventory forms using OSHA SDS hazard categories, and ensuring that the regulations are clearly written. EPA anticipates that coordination with the OSHA HCS and GHS will provide greater clarity to the regulated community and facilitate emergency planning.

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

- 42 U.S.C. 11021(a)(2)(A)(i) states that the EPCRA section 311 list of hazardous chemicals report shall be grouped into categories of health and physical hazards as set forth under the OSH Act and the OSHA HCS, or in other categories as EPA may prescribe under subparagraph (B).

- 42 U.S.C. 11021(a)(2)(B) states that, for the EPCRA section 311 list of hazardous chemicals report, EPA may modify the categories of health and physical hazards as set forth under the OSH Act and the OSHA HCS by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency.

• 42 U.S.C. 11022(d)(1)(C) states that, for the EPCRA section 312 annual hazardous chemical inventory forms, EPA may modify the OSH Act and OSHA HCS categories of health and physical hazards by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency.

• 42 U.S.C. 11022(g) states that for the EPCRA section 312 annual hazardous chemical inventory forms, EPA shall publish a uniform format for inventory forms.

• 42 U.S.C. 11049(1) states that the term *Administrator* used throughout the statute means the Administrator of the Environmental Protection Agency.

F. What are the incremental costs and benefits of this action?

This action does not create any additional requirements on affected facilities. EPA also anticipates that this action will improve first responder and community safety; prevent interpretation burdens for facilities, states, local agencies, and fire departments; and improve clarity without increasing the regulatory burden.

IV. Revisions to 40 CFR Part 370

A. History of EPCRA Hazard Categories

The EPCRA statute specifies that the hazardous chemical inventory reporting under sections 311 and 312 should be based on the health and physical hazard categories established under the OSH Act and the OSHA HCS regulations and that EPA may modify those hazards. Accordingly, in 1987, EPA modified OSHA's 23 health and physical hazards into five hazard categories (two health and three physical hazard categories) for facilities to use for reporting and codified the requirements at 40 CFR part 370. Facilities used the following five categories for EPCRA hazardous chemical inventory reporting from 1987 to 2016: (1) *Immediate (acute) health hazard*, including highly toxic, toxic, irritant, sensitizer, corrosive, and other hazardous chemicals that cause an adverse effect to a target organ and which effect usually occurs rapidly as a result of short-term exposure and is of short duration; (2) *Delayed (chronic) health hazard*, including carcinogens and other hazardous chemicals that cause an adverse effect to a target organ and which effect generally occurs as a result of long-term exposure and is of long duration; (3) *Fire hazard*, including flammable, combustible liquid, pyrophoric, and oxidizer; (4) *Sudden release of pressure*, including explosive and compressed gas; and (5) *Reactive*,

including unstable reactive, organic peroxide, and water reactive. [53 FR 38344; October 15, 1987]

In 2016, EPA conformed the EPCRA regulations at 40 CFR part 370 with the 2012 OSHA HCS. The 2012 OSHA HCS adopted the GHS to establish consistent and standardized hazard communications and required the development of SDSs with a standardized 16-section format. The EPA's conforming action included replacing the five EPCRA hazard categories established in 1987 with the 2012 OSHA HCS hazard classes, as listed within the definitions of *health hazard* and *physical hazard*, as well as the four hazards that the GHS did not address (simple asphyxiant, combustible dust, pyrophoric gas, and hazard not otherwise classified) but are included in the 2012 OSHA HCS definition of a hazardous chemical. In the 2016 preamble, EPA discussed that the 2012 OSHA HCS divides the OSHA hazard classes into categories, stating that the detailed criteria would be valuable for emergency planners and first responders, but did not incorporate the hazard categories into the EPCRA hazardous chemical inventory reports. [81 FR 47311; July 21, 2016] The following table lists the EPCRA hazard categories, as was published in 40 CFR 370.66 from 2016 until the compliance date (December 1, 2026) of this action:

EPCRA HAZARD CATEGORIES BASED ON OSHA DEFINITIONS

[2016 until December 1, 2026]

Health hazards	Physical hazards
• Acute toxicity (any route of exposure) • Aspiration hazard • Carcinogenicity • Germ cell mutagenicity • Reproductive toxicity • Respiratory or skin sensitization • Serious eye damage or eye irritation • Simple asphyxiant • Skin corrosion or irritation • Specific organ toxicity (single or repeat exposure) • Hazard not otherwise classified (HNOC)	• Combustible dust • Corrosive to metal • Explosive • Flammable (gases, aerosols, liquids, or solids) • Gas under pressure • In contact with water emits flammable gas • Organic peroxide • Oxidizer (liquid, solid, or gas) • Pyrophoric (liquid or solid) • Pyrophoric Gas • Self-heating • Self-reactive • Hazard not otherwise classified (HNOC)

B. Revisions to EPCRA Hazard Categories

In 2024, OSHA amended the HCS to conform with the GHS (primarily to GHS Revision 7, published in 2017). The 2024 OSHA HCS modifications that affect EPCRA include revised criteria for the classification of certain physical hazards to better capture and communicate the hazards to downstream users and amended

contents for *Section 2. Hazard Identification* of SDSs. [89 FR 44144; May 20, 2024]

The following is a list of the revised criteria affecting EPCRA: (1) replacement of the hazard class *Flammable Aerosols* with *Aerosols and Chemicals Under Pressure*; (2) addition of the hazard class *Desensitized Explosives*; (3) inclusion of pyrophoric and chemically unstable gases¹³ within the definition of *Flammable Gases*; and

(4) removal of pyrophoric gases from the definition of hazardous chemical. These modifications also affect the definitions of *health hazards* and *physical hazards* at 40 CFR 370.66, which EPA proposes to move to 40 CFR 370.3 in this action. The following discusses these changes to the OSHA hazard classes and the proposed conforming amendments to the EPCRA regulation at 40 CFR part 370.

The 2024 OSHA HCS replaces the *Flammable Aerosols* hazard class with two hazard classes *Aerosols* and *Chemicals Under Pressure*. These two hazard classes are both divided into three hazard categories (two for flammables and one for non-flammable). [89 FR 44321–44324; May 20, 2024] This HCS modification groups substances with different hazards for first responders into the same hazard class. For example, non-refillable fire extinguishers would be classified as *Aerosol—Category 3*, where highly flammable paints would be *Aerosols—Category 1*.

To align with this modification while ensuring the protection of first responders and communities, EPA is proposing that the EPCRA regulation directly incorporate the OSHA hazard categories as opposed to the current

method of being based on the summaries of hazard classes as provided in the OSHA definitions at 29 CFR 1910.1200(c) for hazardous chemical, health hazard, and physical hazard. The current method groups together similarly named hazard classes rather than the OSHA hazard categories. The current EPCRA hazard categories that are groupings of multiple OSHA hazard classes are acute toxicity (any route of exposure), flammable (gases, aerosols, liquids, or solids), gas under pressure (compressed gas), oxidizer (liquid, solid or gas), and pyrophoric (liquid or solid). There are currently 24 EPCRA hazard categories; this action simply incorporates the 112 OSHA hazard categories as the EPCRA hazard categories. These more detailed hazard categories provide more accurate hazard information. This increased specificity

for the risk criteria will be valuable to emergency planners and responders, while allowing facilities to simply copy the hazard categories from the SDSs to the EPCRA inventory reports. This proposal to modify the EPCRA regulations to use the OSHA hazard categories is in direct alignment with the statutory sections 42 U.S.C. 11021(a)(2)(A)(i) and section 11022(d)(C)(i), which state that the EPCRA hazardous chemical inventory reporting should be based on the categories of health and physical hazards as set forth under the OSH Act and its regulations.

The following table compares the current EPCRA hazard categories to the 2024 OSHA HCS hazard classes and their hazard categories:

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Comparison of Current EPCRA Hazard Categories to the 2024 OSHA Hazard Communication Standard's Hazard Classes and Categories from 29 CFR 1910.1200, including Appendices A & B [Alphabetical Order of Health and Physical Classes]		
EPCRA hazard categories (Adopted in 2016)	OSHA hazard class (2024 HCS)	OSHA hazard categories (2024 HCS)
Health Hazards		
Acute Toxicity (any route of exposure)	Acute Toxicity, Oral Acute Toxicity, Dermal Acute Toxicity, Inhalation	Oral – Category 1 Oral – Category 2 Oral – Category 3 Oral – Category 4 Dermal – Category 1 Dermal – Category 2 Dermal – Category 3 Dermal – Category 4 Inhalation – Category 1 Inhalation – Category 2 Inhalation – Category 3 Inhalation – Category 4
Aspiration Hazard	Aspiration Hazard	Category 1
Carcinogenicity	Carcinogenicity	Category 1 Sub-Category 1A Sub-Category 1B Category 2
Germ Cell Mutagenicity	Germ Cell Mutagenicity	Category 1 Sub-Category 1A Sub-Category 1B Category 2
Reproductive Toxicity	Reproductive Toxicity	Category 1 Sub-Category 1A Sub-Category 1B Category 2 Effects on or via lactation
Respiratory or Skin sensitization	Respiratory Sensitization or Skin Sensitization	Respiratory sensitizer – Category 1 Respiratory sensitizer – Sub-Category 1A Respiratory sensitizer – Sub-Category 1B Skin sensitizer – Category 1 Skin sensitizer – Sub-Category 1A Skin sensitizer – Sub-Category 1B
Serious Eye Damage or Eye Irritation	Serious Eye Damage/Eye Irritation	Serious eye damage - Category 1 Eye irritation - Category 2 Eye irritation - Sub-Category 2A Eye irritation - Sub-Category 2B
Simple Asphyxiant	Simple Asphyxiants	<i>Single Category</i>
Skin Corrosion or Irritation	Skin Corrosion Skin Irritation	Skin corrosion – Category 1 Skin corrosion – Sub-Category 1A Skin corrosion – Sub-Category 1B Skin corrosion – Sub-Category 1C Skin irritation – Category 2
Specific Target Organ Toxicity (Single or Repeated Exposure)	Specific Target Organ Toxicity Single Exposure	Category 1 Category 2 Category 3
	Specific Target Organ Toxicity Repeated or Prolonged Exposure	Category 1 Category 2
Hazard Not Otherwise Classified	Hazard Not Otherwise Classified	<i>Single Category</i>
Physical Hazard Classes		
<i>*Aerosols were under Flammable.</i> <i>**Chemicals Under Pressure is a new term to the 2024 OSHA HCS, these chemicals previously met the criteria for Flammable Gases.</i>	Aerosols and Chemicals Under Pressure	Aerosols – Category 1 Aerosols – Category 2 Aerosols – Category 3 Chemicals under pressure – Category 1 Chemicals under pressure – Category 2 Chemicals under pressure – Category 3
Combustible Dust	Combustible Dusts	<i>Single Category</i>
Corrosive to Metal	Corrosive to Metal	Category 1

<i>*Desensitized Explosives is new to the 2024 OSHA HCS</i>	Desensitized Explosives	Category 1 Category 2 Category 3 Category 4
Explosive	Explosives	Unstable Division 1.1 Division 1.2 Division 1.3 Division 1.4 Division 1.5 Division 1.6
Flammable (gases, aerosols, liquids, or solids) <i>*Aerosols are a separate hazard class in the 2024 OSHA HCS</i>	Flammable Gases	Flammable Gas – Category 1A Flammable Gas – Category 1B Flammable Gas – Category 2 Chemically Unstable Gas – Category A Chemically Unstable Gas – Category B Pyrophoric Gas
	Flammable Liquids	Category 1 Category 2 Category 3 Category 4
	Flammable Solids	Category 1 Category 2
Gas under pressure (compressed gas)	Gases Under Pressure	Compressed Gas Dissolved Gas Liquefied gases Refrigerated liquefied gas
In contact with water emits flammable gas	Chemicals Which, in Contact With Water, Emit Flammable Gases	Category 1 Category 2 Category 3
Organic peroxide	Organic Peroxides	Type A Type B Type C Type D Type E Type F Type G
Oxidizer (liquid, solid or gas)	Oxidizing Gases	Category 1
	Oxidizing Liquids	Category 1 Category 2 Category 3
	Oxidizing Solids	Category 1 Category 2 Category 3
Pyrophoric (liquid or solid)	Pyrophoric Liquids	Category 1
	Pyrophoric Solids	Category 1
Pyrophoric Gas	<i>*Pyrophoric Gas is classified as a Flammable Gas in the 2024 OSHA HCS</i>	N/A
Self-heating	Self-Heating Chemicals	Category 1 Category 2
Self-reactive	Self-Reactive Chemicals	Type A Type B Type C Type D Type E Type F Type G
Hazard Not Otherwise Classified	Hazard Not Otherwise Classified	<i>Single Category</i>

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Summary of Changes to Hazard Categories

In direct alignment with the EPCRA statute, which requires that the EPCRA hazardous chemical reporting be for OSHA hazardous chemicals and be grouped into categories of health and physical hazards [42 U.S.C. 11021(a)(2)(A)(i) and section 11022(d)(C)(i)], EPA is proposing to amend the EPCRA hazard categories to include the full list of OSHA hazard classes with their categories for the health and physical hazards. Previously, EPA used the abbreviated list of OSHA hazard classes as was defined under the terms hazardous chemical, health

hazard, and physical hazard within 29 CFR 1910.1200(c).

EPA proposes to continue to include the hazard classes that are listed in the OSHA HCS definition of *hazardous chemical* as health and/or physical hazard classes: simple asphyxiants will remain a health hazard, combustible dust will remain a physical hazard, and hazard not otherwise classified will remain both a physical hazard and a health hazard [81 FR 38107; June 13, 2016]. Because these classes do not have hazard categories in the appendices of 29 CFR 1910.1200, the hazard class would also be the hazard category for EPCRA reporting purposes. This is also in agreement with the

OSHA guidance document *Hazard Classification Guidance* [OSHA 3844–02 2016].¹⁴

These changes will ensure that first responders and communities are aware of the hazards present at facilities, while maintaining the reporting burden reduction achieved in the 2016 amendments by ensuring that facilities only need to copy the chemical hazard information from the SDSs to the EPCRA inventory forms [81 FR 38107; June 13, 2016]. The following tables compare the current EPCRA hazard categories (adopted in 2016) to the hazard categories which are proposed to be adopted in this action:

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EPCRA Health Hazard Categories		
Adopted in 2016	Proposed in this action to conform with the 2024 OSHA HCS (OSHA hazard class – OSHA hazard category)	Notes about proposed changes to EPCRA hazard categories
Acute Toxicity (any route of exposure)	Acute Toxicity, Oral – Category 1 Acute Toxicity, Oral – Category 2 Acute Toxicity, Oral – Category 3 Acute Toxicity, Oral – Category 4 Acute Toxicity, Dermal – Category 1 Acute Toxicity, Dermal – Category 2 Acute Toxicity, Dermal – Category 3 Acute Toxicity, Dermal – Category 4 Acute Toxicity, Inhalation – Category 1 Acute Toxicity, Inhalation – Category 2 Acute Toxicity, Inhalation – Category 3 Acute Toxicity, Inhalation – Category 4	• Including the OSHA classes and categories for these health hazards from Appendix A.1 to create twelve EPCRA hazard categories.
Aspiration Hazard	Aspiration Hazard – Category 1	• No changes
Carcinogenicity	Carcinogenicity – Category 1 Carcinogenicity – Sub-Category 1A Carcinogenicity – Sub-Category 1B Carcinogenicity – Category 2	• Including the OSHA categories for this hazard class from Appendix A.6 to create four EPCRA hazard categories.
Germ Cell Mutagenicity	Germ Cell Mutagenicity – Category 1 Germ Cell Mutagenicity – Sub-Category 1A Germ Cell Mutagenicity – Sub-Category 1B Germ Cell Mutagenicity – Category 2	• Including the OSHA categories for this hazard class from Appendix A.5 to create four EPCRA hazard categories.
Reproductive Toxicity	Reproductive Toxicity – Category 1 Reproductive Toxicity – Sub-Category 1A Reproductive Toxicity – Sub-Category 1B Reproductive Toxicity – Category 2 Reproductive Toxicity – Effects on or via lactation	• Including the OSHA categories for this hazard class from Appendix A.7 to create five EPCRA hazard categories.

Respiratory or Skin Sensitization	Respiratory Sensitizer - Category 1 Respiratory Sensitizer – Sub-Category 1A Respiratory Sensitizer – Sub-Category 1B Skin Sensitizer – Category 1 Skin Sensitizer – Sub-Category 1A Skin Sensitizer – Sub-Category 1B	Including the OSHA classes and categories for these health hazards from Appendix A.4 to create six EPCRA hazard categories.
Serious Eye Damage or Eye Irritation	Serious Eye Damage – Category 1 Eye Irritation – Category 2 Eye Irritation – Sub-Category 2A Eye Irritation – Sub-Category 2B	Including the OSHA categories for this hazard class from Appendix A.3 to create four EPCRA hazard categories.
Simple Asphyxiant	Simple Asphyxiant	No changes
Skin Corrosion or Irritation	Skin Corrosion – Category 1 Skin Corrosion – Sub-Category 1A Skin Corrosion – Sub-Category 1B Skin Corrosion – Sub-Category 1C Skin Irritation – Category 2	Including the OSHA classes and categories for these health hazards from Appendix A.2 to create five EPCRA hazard categories.
Specific Target Organ Toxicity (Single or Repeated Exposure)	Specific Target Organ Toxicity Single Exposure – Category 1 Specific Target Organ Toxicity Single Exposure – Category 2 Specific Target Organ Toxicity Single Exposure – Category 3 Specific Target Organ Toxicity Repeated or Prolonged Exposure – Category 1 Specific Target Organ Toxicity Repeated or Prolonged Exposure – Category 2	- Separating the “single” and “repeated or prolonged” hazard classes - Including the OSHA classes and categories for these health hazards from Appendices A.8 and A.9 to create five EPCRA hazard categories.
Hazard Not Otherwise Classified (HNOC)	Hazard Not Otherwise Classified (HNOC)	No changes

EPCRA Physical Hazard Categories		
Adopted in 2016	Proposed in this action to conform with the 2024 OSHA HCS (OSHA hazard class – OSHA hazard category)	Notes about proposed changes to EPCRA hazard categories
Flammable (gases, aerosols, liquids or solids)	Aerosols – Category 1 Aerosols – Category 2 Aerosols – Category 3 Chemicals Under Pressure – Category 1 Chemicals Under Pressure – Category 2 Chemicals Under Pressure – Category 3 Flammable Gases – Category 1A Flammable Gases – Category 1B Flammable Gases – Category 2 Flammable Gases – Chemically Unstable Gas – Category 1A/A Flammable Gases – Chemically Unstable Gas – Category 1A/B Flammable Gases – Pyrophoric Gas – Category 1A Flammable Liquids – Category 1 Flammable Liquids – Category 2 Flammable Liquids – Category 3 Flammable Liquids – Category 4 Flammable Solids – Category 1 Flammable Solids – Category 2	• Aerosols are no longer reported under the flammable hazard category, they are now in the Aerosols hazard class. • Aerosols and Chemicals Under Pressure hazard classes now include flammable (Categories 1 & 2) and non-flammable hazards (Category 3). • Pyrophoric gases are no longer an independent hazard class and are included in the flammable gases hazard category. Report under the Flammable Gases – Pyrophoric Gas hazard category. • Chemically unstable gases (Categories A & B) are now included within the OSHA HCS flammable gases hazard category. Report under the appropriate Flammable Gases - Chemically Unstable Gas hazard category. • Separating the OSHA “flammable” hazard classes • Including the OSHA categories for these physical hazard classes from Appendices B.2, B.3, B.6, and B.7 to create eighteen EPCRA hazard categories.
Combustible Dust	Combustible Dust	• No changes
Corrosive to Metal	Corrosive to Metal – Category 1	• Including the OSHA category for this physical hazard class from Appendix B.16.
<i>Not a Hazard Category in 2012</i>	Desensitized Explosives – Category 1 Desensitized Explosives – Category 2 Desensitized Explosives – Category 3	• New OSHA hazard class and categories. Formerly reported under Explosives hazard class. • Including the OSHA categories for this physical

	Desensitized Explosives – Category 4	hazard from Appendix B.17 to create four EPCRA hazard categories.
Explosives	Explosives – Unstable Explosives – Division 1.1 Explosives – Division 1.2 Explosives – Division 1.3 Explosives – Division 1.4 Explosives – Division 1.5 Explosives – Division 1.6	- Desensitized explosives are no longer categorized as explosives they are now in the desensitized explosives hazard class. - Including the OSHA categories for this physical hazard from Appendix B.1 to create seven EPCRA hazard categories.
Gases Under Pressure (compressed gas)	Gas Under Pressure – Compressed Gas Gas Under Pressure – Dissolved Gas Gas Under Pressure – Liquefied Gas Gas Under Pressure – Refrigerated liquefied gas	Including the OSHA categories for this physical hazard from Appendix B.5 to create four EPCRA hazard categories.
In Contact With Water, Emits Flammable Gases	In Contact With Water Emits Flammable Gases – Category 1 In Contact With Water Emits Flammable Gases – Category 2 In Contact With Water Emits Flammable Gases – Category 3	Including the OSHA categories for this physical hazard from Appendix B.12 to create three EPCRA hazard categories.
Organic Peroxides	Organic Peroxides – Type A Organic Peroxides – Type B Organic Peroxides – Type C Organic Peroxides – Type D Organic Peroxides – Type E Organic Peroxides – Type F Organic Peroxides – Type G	Including the OSHA categories for this physical hazard from Appendix B.15 to create seven EPCRA hazard categories.
Oxidizer (liquid, solid, or gas)	Oxidizing Gases Oxidizing Liquids – Category 1 Oxidizing Liquids – Category 2 Oxidizing Liquids – Category 3 Oxidizing Solids – Category 1 Oxidizing Solids – Category 2	- Separating the OSHA <i>oxidizing</i> hazard classes - Including the OSHA categories for this physical hazard from Appendices B.4, B.13, and B14 to create seven EPCRA hazard categories.

	Oxidizing Solids – Category 3	
Pyrophoric Gas	<i>N/A: Not a hazard class in 2024 OSHA HCS.</i>	No longer an independent hazard class. Report under Flammable Gas.
Pyrophoric (liquid or solid)	Pyrophoric Liquids – Category 1 Pyrophoric Solids – Category 1	- Separating the OSHA <i>pyrophoric</i> physical hazard classes per Appendices B.9 and B.10, to create two EPCRA hazard categories. - Including the OSHA category for these physical hazard classes from Appendices B.9 and B.10 to create two hazard categories.
Self-Heating Chemicals	Self-Heating Chemicals – Category 1 Self-Heating Chemicals – Category 2	Including the OSHA categories for this physical hazard from Appendix B.11 to create two EPCRA hazard categories.
Self-Reactive Chemicals	Self-Reactive Chemicals – Type A Self-Reactive Chemicals – Type B Self-Reactive Chemicals – Type C Self-Reactive Chemicals – Type D Self-Reactive Chemicals – Type E Self-Reactive Chemicals – Type F Self-Reactive Chemicals – Type G	Including the OSHA categories for this physical hazard from Appendix B.8 to create seven EPCRA hazard categories.
Hazard Not Otherwise Classified (HNOC)	Hazard Not Otherwise Classified (HNOC)	No changes

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C. Revisions to EPCRA Definitions

EPA is proposing to amend the definition of *hazard category* and remove the definition of *Material Safety Data Sheet* to conform with the 2024 OSHA HCS. EPA also notes that OSHA added a definition for combustible dust to the 2024 OSHA HCS. Further, the Agency is proposing to move the definitions for 40 CFR part 370 from § 370.66 to § 370.3 to ensure clarity and consistency within the EPCRA regulations.

Hazard Category

EPA is proposing to amend the definition of *hazard category* in 40 CFR

part 370, including the health and physical hazard definitions, to implement the conforming amendments discussed above in section *B. Revisions to EPCRA Hazard Categories*. This action proposes to amend the definition of *hazard category* to state that under EPCRA, a hazard category is the OSHA HCS's classification of a chemical's hazard(s) into classes with their categories as are reported in Section 2 of SDSs in accordance with 29 CFR 1910.1200. In accordance with the EPCRA statute [42 U.S.C. 11021(a)(2)(A)(1) and section 11022(a)(1)], the hazard categories would continue to be divided by their hazard class into those with health and physical hazards. The definitions for

health hazard and *physical hazard* are proposed to be amended to list each of the hazard classes as are described and named in Appendices A and B of 29 CFR 1910.1200 or 29 CFR 1910.1200(c) for combustible dust, simple asphyxiant, and hazards not otherwise classified, as well as to alphabetize the hazard classes to improve functionality and reduce the burden of completing the inventory forms.

The following table compares the definition for *hazard category*, including *health hazard* and *physical hazard*, between the 2016 EPCRA regulation and what is proposed in this action, with differences in language bolded:

2016 EPCRA 311–312 40 CFR 370.66	Adopting in this action EPCRA 311–312 40 CFR 370.3
<i>Hazard category</i> is divided into two categories, health and physical hazards: (1) Health hazard means a chemical which poses one of the following hazardous effects: Carcinogenicity; acute toxicity (any route of exposure); aspiration hazard; reproductive toxicity; germ cell mutagenicity; skin corrosion or irritation; respiratory or skin sensitization; serious eye damage or eye irritation; specific target organ toxicity (single or repeated exposure); simple asphyxiant; and hazard not otherwise classified (HNOC). (2) Physical hazard means a chemical which poses one of the following hazardous effects: Flammable (gases, aerosols, liquids or solids); gas under pressure; explosive; self-heating; pyrophoric (liquid or solid); pyrophoric gas; oxidizer (liquid, solid or gas); organic peroxide; self-reactive; in contact with water emits flammable gas; combustible dust; corrosive to metal; and hazard not otherwise classified (HNOC).	<i>Hazard category</i> means the classification of a chemical's hazard(s) into classes with their categories as are reported in Section 2 of SDSs in accordance with 29 CFR 1910.1200. Hazard categories are divided by hazard class into health and physical hazards: (1) <i>Health hazard</i> means a chemical that is classified into one of the following hazard classes: acute toxicity (oral, dermal, or inhalation); aspiration hazard; carcinogenicity; germ cell mutagenicity; reproductive toxicity; respiratory sensitizer; skin sensitizer; serious eye damage/eye irritation; simple asphyxiant; skin corrosion or irritation; specific target organ toxicity (single exposure) or (repeated or prolonged exposure); and hazard not otherwise classified (HNOC). (2) <i>Physical hazard</i> means a chemical that is classified into one of the following hazard classes: aerosols; chemicals under pressure; combustible dust; corrosive to metal; desensitized explosive; explosives; flammable (gases, liquids, or solids); gas under pressure; in contact with water emits flammable gases; organic peroxides; oxidizing (gases, liquids, or solids); pyrophoric (liquids or solids); self-heating chemicals; self-reactive chemicals; and hazard not otherwise classified (HNOC).

(Material) Safety Data Sheet

The 2012 OSHA HCS replaced the term *Material Safety Data Sheet (MSDS)* with the term *Safety Data Sheet (SDS)* and also stated that these two terms mean the same thing, serve the same function, and communicate the same types of information. Additionally, OSHA stated that an SDS should be treated as an MSDS under EPCRA. [77 FR 17730; March 26, 2012] Further, the 2012 and 2024 OSHA HCS at 29 CFR 1910.1200 do not contain the term *Material Safety Data Sheet* or *MSDS*, nor do they provide a reference to the prior use of this term.

The EPCRA statute defines and references the term *Material Safety Data*

Sheet and its acronym *MSDS*, stating that the document is required to be prepared or made available for a hazardous chemical under the OSH Act of 1970 and the OSHA HCS at 29 CFR 1910.1200 [42 U.S.C. 11021(a)(1) and 11049(6)]. In 2016, EPA amended 40 CFR part 370 to use both terms and their acronyms, stating that the terms mean the same thing and that more stakeholders commonly use the term *SDS*. EPA finds that the use of both terms in the regulation is cumbersome to read and unnecessary, as it is well documented by OSHA and EPA that these terms refer to the same document and that document is what is required by EPCRA. Therefore, to better align the

hazardous chemical inventory reporting regulations with the OSHA HCS, EPA is proposing to remove the definition for *Material Safety Data Sheet (MSDS)* and use of the term within the regulation and is also proposing to amend the definition of *Safety Data Sheet (SDS)* for consistency and added clarity that the term *SDS* replaces the term *MSDS* for the required data sheet.

The following table provides the current and proposed definition of *Safety Data Sheet*, which EPA proposes to move from § 370.66 to § 370.3 in this action, with the modified language in bold.

2016 EPCRA 311–312 40 CFR 370.66	Proposed to adopt in this action EPCRA 311–312 40 CFR 370.3
<i>Safety Data Sheet or SDS</i> means the sheet required to be developed under 29 CFR 1910.1200(g). This term means the same as the term “material safety data sheet or MSDS” defined in this section.	<i>Safety Data Sheet (SDS)</i> means the sheet required to be developed under 29 CFR 1910.1200(g). This term SDS replaces the term “material safety data sheet” for the name of the data sheet defined in the statute [42 U.S.C. 11049(6)] .

Combustible Dust

The 2024 OSHA HCS includes the following definition of combustible dust at 29 CFR 1910.1200(c): “Combustible dust means finely divided solid particulates of a substance or mixture that pose a flash-fire hazard or explosion hazard when dispersed in air or other oxidizing media.” [89 FR 44272–44274; May 20, 2024] EPA notes that the 2024 OSHA HCS definition of combustible dusts is applicable to 40 CFR part 370 by the existing reference to the OSHA HCS within the definition of hazardous chemical at 40 CFR 370.66. EPA is not proposing to make amendments to further incorporate this definition.

Location of Definitions in 40 CFR Part 370

Additionally, through this action, the Agency is proposing to move the

definitions for this part from § 370.66 to § 370.3, amend the title of § 370.3 to be *Definitions*, amend the title of § 370.66 to be *[Reserved]*, and add a note to § 370.66 that the definitions are now in § 370.3. This proposed adjustment adds clarity to the regulation by providing key words prior to the requirements and is consistent with the Agency’s common practice.

D. Other Revisions to 40 CFR Part 370

In this action, EPA is proposing to capitalize each letter of the term *Extremely Hazardous Substance* to add clarity between the distinct set of substances listed in the appendices to 40 CFR part 355 and the broad use of the term extremely hazardous substance within the Clean Air Act (CAA) 112(r) programs [42 U.S.C. 7412(r)]. This distinction is necessary to reduce confusion as there is interplay between

the EPCRA and CAA 112(r) statutes, regulations, and stakeholders.

In this action, EPA is also proposing to make minor plain language, clarifying, and consistency edits in the following sections: §§ 370.1, § 370.2, 370.3, 370.10, 370.14, 370.30, 370.32, 370.33, 370.40, 370.41, 370.42, 370.43, 370.44, 370.45, 370.60, 370.61, 370.62, 370.64, 370.65, and 370.66. These proposed changes include removing the historic compliance dates from § 370.33 and § 370.45, as well as removing the historic clarifications for electronic reporting from § 370.41 and § 370.42.

E. Summary of Revisions to 40 CFR Part 370

The following is a list of amendments proposed through this action:

Citations	List of Proposed Amendments
40 CFR part 370	—Removes most uses of the term MSDS.
§ 370.1	—Removes use of the term MSDS.
§ 370.2	—Makes minor changes for clarity and consistency.
§ 370.3	—Amends title for plain language and clarity.
§ 370.3	—Makes minor changes for plain language and clarity.
§ 370.3	—Amends title.
§ 370.3	—Moves definitions here from § 370.66.
§ 370.3	—Removes the language which referred to § 370.66 for definitions.
§ 370.3	—Capitalizes each letter of the term Extremely Hazardous Substance.
§ 370.3	—Amends the definitions for hazard category (including health hazard and physical hazard) and safety data sheet as described in this action.
§ 370.3	—Removes the definition of <i>Material Safety Data Sheet</i> or MSDS.
§ 370.10	—Makes minor changes for plain language, clarity, and consistency to the following definitions: Indian Country, person, SERC, and threshold planning quantity (TPQ).
§ 370.10	—Removes use of the term MSDS.
§ 370.10	—Adds a note to paragraph (a).
§ 370.12	—Makes minor changes for plain language, clarity, and consistency.
§ 370.12	—Removes use of the term MSDS.
§ 370.13	—Removes use of the term MSDS.
§ 370.14	—Removes use of the term MSDS.
§ 370.20	—Makes minor changes for plain language and consistency.
Centered heading	—Removes use of the term MSDS.
§ 370.30	—Amends to clarify that the hazard categories are as listed in section 2 of the SDS.
§ 370.30	—Removes use of the term MSDS.
§ 370.31	—Makes minor changes for clarity and consistency.
§ 370.32	—Removes use of the term MSDS.
§ 370.32	—Removes use of the term MSDS.
§ 370.33	—Makes minor changes for clarity and consistency
§ 370.33	—Removes use of the term MSDS.
§ 370.33	—Removes historic compliance date.
§ 370.33	—Makes minor changes for plain language and clarity.
§ 370.40	—Makes minor changes for plain language, clarity, and consistency.
§ 370.41	—Amends to clarify that the hazard categories are as listed in section 2 of the SDS.
§ 370.41	—Removes of historic clarifications for electronic reporting.
§ 370.41	—Makes minor changes for plain language, clarity, and consistency.

Citations	List of Proposed Amendments
§ 370.42	—Amends to clarify that the hazard categories are as listed in section 2 of the SDS. —Removes of historic clarifications for electronic reporting. —Makes minor changes for plain language, clarity, and consistency.
§ 370.43	—Makes minor change for clarity and consistency.
§ 370.44	—Makes minor change for clarity and consistency.
§ 370.45	—Removes of historic compliance date. —Makes minor changes for plain language, clarity, and consistency.
§ 370.60	—Removes use of the term MSDS. —Makes a minor change for plain language.
§ 370.61	—Makes minor changes for plain language, clarity, and consistency.
§ 370.62	—Amends the title for consistency. —Removes use of the term MSDS. —Makes a minor changes for clarity and consistency.
§ 370.63	—Removes use of the term MSDS.
§ 370.64	—Removes use of the term MSDS. —Makes minor changes plain language, clarity, and consistency.
§ 370.65	—Amends the title with clarifying punctuation.
§ 370.66	—Changes title to [Reserved]. —Moves definitions to § 370.3. —Adds “Note to § 370.66: Definitions are in § 370.3”.

VI. Statutory and Executive Orders 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 not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is considered a deregulatory action under Executive Order 14192. This action provides burden reduction by directly adopting OSHA definitions and hazard categories as the EPCRA definitions and hazard categories and also by making plain language, clarifying, and consistency edits to improve the readability and add clarity to the regulation. By directly adopting the OSHA definitions and hazard categories, this action should reduce administrative costs by preventing interpretation burdens on facilities when using Safety Data Sheets to complete annual hazardous chemical inventory reports. By improving the readability and adding clarity, this action should reduce the burden to read and understand the regulations. This rule will also improve first responder and community safety, thereby extending the deregulatory benefits of EPA's approach to state and local governments. Overall, this action will have total costs less than zero.

C. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the PRA through a revisions Information Collection Request (ICR) [EPA ICR number 1352.17; OMB Control Number 2050–0072]. The ICR document that the EPA prepared has been assigned EPA ICR number 1352.17. You can find a copy of the ICR in the Docket ID: EPA–HQ–OLEM–2025–0299, and it is briefly summarized here.

This rulemaking action will conform the terminology used, and information that must be reported, on the hazardous chemical inventory forms to the Occupational Safety and Health Administration's Hazard Communication Standard amendments of 2012 and 2024. This action will result in burden reductions by removing interpretation burdens on facilities using the SDS to complete annual hazardous chemical inventory reports and reducing the burden to read and understand the regulations. The burden for the existing EPA information collection activities is accounted for in the EPA ICR number 1352.16 under OMB Control Number 2050–0072. You can find a copy of the existing approved ICR in Docket ID: EPA–HQ–SFUND–2004–0006.

Respondents/affected entities: Entities potentially affected by this ICR are manufacturers and non-manufacturers required to have available a Safety Data Sheet (SDS) under the OSHA HCS.

Respondent's obligation to respond: Mandatory (sections 311 and 312 of EPCRA).

Estimated number of respondents: 465,692 facilities (total). This figure includes 3,052 LEPCs and SERCs.

Frequency of response: Annual.

Total estimated burden: 6,793,536 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: \$311,066,556 (per year), includes \$1,715,084 annualized capital or operation & maintenance costs.

Changes in the estimates: There is decrease of 169,753 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. The burden and cost reductions documented in this ICR reflect only adjustments resulting directly from the provisions in this rulemaking action and include a correction to the labor costs for inventory reporting for large non-manufacturers. Additional modifications to accommodate other updated assumptions, labor rates, etc. will be reflected in a succeeding renewal ICR to be submitted before the existing collection's expiration date of August 31, 2026.

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.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the EPA using the docket identified at the beginning of this rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs via email to OIRA_submission@omb.eop.gov, Attention: Desk Officer for the EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after

receipt, OMB must receive comments no later than December 17, 2025. The EPA will respond to any ICR-related comments in the final rule.

D. Regulatory Flexibility Act (RFA)

This proposed action is not expected to have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the EPA concludes that the impact of concern for this proposed rule is any potential significant adverse economic impact on small entities and that the agency believes that this rule would not have a significant economic impact on a substantial number of small entities because the rule imposes no added burden on the small entities subject to the rule. This action is modifying the hazard categories used for the existing reporting requirements. The burden for reporting is not being modified by this action. We have therefore concluded that this proposed action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This proposed action does not contain an unfunded mandate of \$100 million (adjusted annually for inflation) or more (in 1995 dollars) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements mandate(s) specifically and explicitly set forth in the EPCRA statute [42 U.S.C. Chapter 116] without the exercise of any policy discretion by the EPA.

F. Executive Order 13132: Federalism

This proposed action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This proposed action does not have Tribal implications as specified in Executive Order 13175. It will 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

Executive Order 13045 directs federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This proposed action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. Further, this proposed action is not subject to the EPA's Children's Health Policy (<https://www.epa.gov/children/childrens-health-policy-and-plan>) because EPA does not believe the action has considerations for human health.

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

This proposed action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This proposed rulemaking does not involve technical standards.

Endnotes

1. 29 CFR 1910.1200—<https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.1200>.
2. 42 U.S.C. Chapter 116—<https://www.govinfo.gov/content/pkg/USCODE-2023-title29/pdf/USCODE-2023-title29-chap15-sec651.pdf>.
3. 29 U.S.C. Chapter 15—<https://www.govinfo.gov/content/pkg/USCODE-2023-title29/pdf/USCODE-2023-title29-chap15-sec651.pdf>.
4. The definitions section currently at 40 CFR 370.66 is being relocated to § 370.3 within this action.
5. 77 FR 17574; March 26, 2012—<https://www.govinfo.gov/content/pkg/FR-2012-03-26/pdf/2012-4826.pdf>.
6. 81 FR 38104; June 13, 2016—<https://www.govinfo.gov/content/pkg/FR-2016-06-13/pdf/2016-13582.pdf>.
7. 81 FR 47311; July 21, 2016—<https://www.govinfo.gov/content/pkg/FR-2016-07-21/pdf/2016-17277.pdf>.

8. 89 FR 44144; May 20, 2024—<https://www.govinfo.gov/content/pkg/FR-2024-05-20/pdf/2024-08568.pdf>.
9. 89 FR 81829; October 9, 2024—<https://www.govinfo.gov/content/pkg/FR-2016-07-21/pdf/2016-17277.pdf>.
10. 42 U.S.C. 11021 and 11022—<https://www.govinfo.gov/content/pkg/USCODE-2021-title42/pdf/USCODE-2021-title42-chap116.pdf>.
11. 53 FR 38344; October 15, 1987—<https://www.govinfo.gov/content/pkg/FR-1987-10-15/pdf/FR-1987-10-15.pdf>.
12. 55 FR 3062; July 26, 1990—<https://www.epa.gov/sites/default/files/2013-09/documents/55fr30645.pdf>.
13. Chemically unstable gases is a new term within the 2024 OSHA HCS. The term was added to align with the GHS revision 7, which includes chemically unstable gases and pyrophoric gases in the criteria for flammable gases. Although it is a new term for the HCS, chemically unstable gases met the criteria to be classified as flammable gases in the 2012 OSHA HCS. [89 FR 44319–44321; May 20, 2024].
14. Hazard Communication: Hazard Classification Guidance for Manufacturers, Importers, and Employers (OSHA 3844–02 2016). <https://www.osha.gov/sites/default/files/publications/OSHA3844.pdf>.

List of Subjects in 40 CFR Part 370

Environmental protection, Chemicals, Emergency preparedness, Hazardous substances, Occupational safety and health, Reporting and recordkeeping requirements.

Lee Zeldin, Administrator.

For the reasons set forth in the preamble, the EPA proposes to amend Title 40, Chapter I of the Code of Federal Regulations as follows:

1. Revise and republish part 370 to read as follows:

PART 370—HAZARDOUS CHEMICAL REPORTING: COMMUNITY RIGHT-TO-KNOW

Subpart A—General Information

Sec.

- 370.1 What is the purpose of this part?
- 370.2 Who do the terms you, I, and your refer to in this part?
- 370.3 Definitions.

Subpart B—Who Must Comply

- 370.10 Who must comply with the hazardous chemical reporting requirements of this part?
- 370.11 [Reserved]
- 370.12 What hazardous chemicals must I report under this part?

- 370.13 What substances are exempt from these reporting requirements?
- 370.14 How do I report mixtures containing hazardous chemicals?

Subpart C—Reporting Requirements

- 370.20 What are the reporting requirements of this part?

How To Comply With SDS Reporting

- 370.30 What information must I provide and what format must I use?
- 370.31 Do I have to update the information?
- 370.32 To whom must I submit the information?
- 370.33 When must I submit the information?

How To Comply With Inventory Reporting

- 370.40 What information must I provide and what format must I use?
- 370.41 What is Tier I inventory information?
- 370.42 What is Tier II inventory information?
- 370.43 What codes are used to report Tier I and Tier II inventory information?
- 370.44 To whom must I submit the inventory information?
- 370.45 When must I submit the inventory information?

Subpart D—Community Access to Information

- 370.60 How does a person obtain SDS information about a specific facility?
- 370.61 How does a person obtain inventory information about a specific facility?
- 370.62 What information may a state or local official request from a facility?
- 370.63 What responsibilities do the SERC and LEPC have to make request information available?
- 370.64 What information can I claim as trade secret or confidential?
- 370.65 Must I allow the local fire department to inspect my facility, and must I provide specific location information about hazardous chemicals at my facility?
- 370.66 [Reserved]

Authority: Sections 302, 311, 312, 322, 324, 325, 327, 328, and 329 of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) (Pub. L. 99–499, 100 Stat. 1613, 42 U.S.C. 11002, 11021, 11022, 11042, 11044, 11045, 11047, 11048, and 11049).

Subpart A—General Information

§ 370.1 What is the purpose of this part?

(a) This part [40 CFR part 370] establishes reporting requirements for providing the public with important information on the hazardous chemicals in their communities. Reporting raises community awareness of chemical hazards and aids in the development of state and local emergency response plans. The reporting requirements established under this part consist of Safety Data Sheet (SDS) reporting and inventory reporting.

(b) This part is written in a special format to make it easier to understand the regulatory requirements. Like other Environmental Protection Agency (EPA) regulations, this part establishes enforceable legal requirements. Information considered non-binding guidance under EPCRA is indicated in this regulation by the word “note” and a smaller typeface. Such notes are provided for information purposes only and are not considered legally binding under this part.

§ 370.2 Who do the terms you, I, and your refer to in this part?

Throughout this part the terms you, I, and your refer to the owner or operator of a facility.

§ 370.3 Definitions.

Chief Executive Officer of the Tribe means the person who is recognized by the Bureau of Indian Affairs as the chief elected administrative officer of the Tribe.

Environment includes water, air, and land and the interrelationship that exists among and between water, air, and land and all living things.

EPCRA means the Emergency Planning and Community Right-To-Know Act of 1986.

Extremely Hazardous Substance (EHS) means a substance listed in appendices A and B of 40 CFR part 355.

Facility means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person (or by any person that controls, is controlled by, or under common control with, such person). *Facility* includes manmade structures, as well as all natural structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use.

Hazard category means the classification of a chemical’s hazard(s) into classes with their categories as are reported in Section 2 of SDSs in accordance with 29 CFR 1910.1200. Hazard categories are divided by hazard class into health hazards and physical hazards:

(1) *Health hazard* means a chemical that is classified into one of the following hazard classes: acute toxicity (oral, dermal, or inhalation); aspiration hazard; carcinogenicity; germ cell mutagenicity; reproductive toxicity; respiratory sensitizer; skin sensitizer; serious eye damage/eye irritation; simple asphyxiant; skin corrosion or irritation; specific target organ toxicity (single exposure) or (repeated or

prolonged exposure); and hazard not otherwise classified.

(2) *Physical hazard* means a chemical that is classified into one of the following hazard classes: aerosols; chemicals under pressure; combustible dust; corrosive to metal; desensitized explosive; explosives; flammable (gases, liquids, or solids); gas under pressure; in contact with water emits flammable gases; organic peroxides; oxidizing (gases, liquids, or solids); pyrophoric (liquids or solids); self-heating chemicals; self-reactive chemicals; and hazard not otherwise classified.

Hazardous chemical means any hazardous chemical as defined under 29 CFR 1910.1200(c), except that such term does not include:

(1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

(2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(3) Any substance to the extent it is used:

(i) For personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public;

(ii) In a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual; or

(iii) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Indian Country means Indian country as defined in 18 U.S.C. 1151 as:

(1) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(3) All Indian allotments, the Indian titles to which have not been

extinguished, including rights-of-way running through the same.

Indian Tribe or Tribe means those Tribes federally recognized by the Secretary of the Interior.

Inventory form means the uniform Tier I and Tier II emergency and hazardous chemical inventory forms published by EPA. These forms can be used for reporting inventory information, as described in 40 CFR 370.40 through 370.45.

LEPC means the Local Emergency Planning Committee appointed by the State Emergency Response Commission.

Mixture means mixture as defined under the Occupational Safety and Health Administration's Hazard Communication Standard in 29 CFR 1910.1200(c).

OSHA means the U.S. Occupational Safety and Health Administration.

Person means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or interstate body.

Safety Data Sheet (SDS) means the sheet required to be developed under 29 CFR 1910.1200(g). The term SDS replaces the term "material safety data sheet" for the name of the data sheet defined in the statute [42 U.S.C. 11049(6)].

SERC means the State Emergency Response Commission for the state in which the facility is located except when the facility is located in Indian Country, in which case, SERC means the Emergency Response Commission for the Tribe under whose jurisdiction the facility is located. In the absence of a SERC for a state or an Indian Tribe, the Governor or chief executive officer of the Tribe, respectively, shall be the SERC. Where there is a cooperative agreement between a state and a Tribe, the SERC shall be the entity identified in the agreement.

State means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, any other territory or possession over which the United States has jurisdiction, and Indian Country.

Threshold planning quantity (TPQ) means the quantity listed in the column "threshold planning quantity" for the EHSs listed in Appendix A and B of 40 CFR part 355.

Subpart B—Who Must Comply

§ 370.10 Who must comply with the hazardous chemical reporting requirements of this part?

(a) You must comply with the reporting requirements of this part if the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard (HCS) requires your facility to prepare or have available a Safety Data Sheet (SDS) for a hazardous chemical and if either of the following conditions is met:

Note to paragraph (a): OSHA's Material Safety Data Sheet or MSDS requirement was renamed to be the Safety Data Sheet or SDS requirement. The terms MSDS and SDS are synonymous. The EPCRA statutory MSDS requirements will be referred to as the SDS requirements within this regulation. [77 FR 17574; March 26, 2012]

(1) A hazardous chemical that is an Extremely Hazardous Substance (EHS) is present at your facility at any one time in an amount equal to or greater than 500 pounds (227 kg—approximately 55 gallons) or the Threshold Planning Quantity (TPQ), whichever is lower. EHSs and their TPQs are listed in Appendices A and B of 40 CFR part 355.

(2) A hazardous chemical that is not an EHS is present at your facility at any one time in an amount equal to or greater than the threshold level for that hazardous chemical. Threshold levels for such hazardous chemicals are:

(i) For any hazardous chemical that does not meet the criteria in paragraph (a)(2)(ii) or (iii) of this section, the threshold level is 10,000 pounds (or 4,540 kg).

(ii) For gasoline at a retail gas station (For purposes of this part, retail gas station means a retail facility engaged in selling gasoline and/or diesel fuel principally to the public for motor vehicle use on land.), the threshold level is 75,000 gallons (approximately 283,900 liters) (all grades combined). This threshold is only applicable for gasoline that was in tanks entirely underground and that were in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.

(iii) For diesel fuel at a retail gas station (For purposes of this part, retail gas station means a retail facility engaged in selling gasoline and/or diesel fuel principally to the public for motor vehicle use on land.), the threshold level is 100,000 gallons (approximately 378,500 liters) (all grades combined).

This threshold is only applicable for diesel fuel that was in tanks entirely underground and that were in compliance at all times during the preceding calendar year with all applicable UST requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.

(b) The threshold level for responding to the following requests is zero.

(1) If your LEPC requests that you submit an SDS for a hazardous chemical for which you have not submitted an SDS to your LEPC; or

(2) If your LEPC, SERC, or the fire department with jurisdiction over your facility requests that you submit Tier II information.

§ 370.11 [Reserved]

§ 370.12 What hazardous chemicals must I report under this part?

(a) You must report any hazardous chemical for which you are required to prepare or have available an SDS under OSHA HCS that is present at your facility equal to or above the applicable threshold specified in § 370.10. (Specific exemptions from reporting are in § 370.13.)

(b) The EPA has not issued a list of hazardous chemicals subject to reporting under this part. A substance is a hazardous chemical if it is required to have an SDS and meets the definition of hazardous chemical under the OSHA regulations found at 29 CFR 1910.1200(c).

§ 370.13 What substances are exempt from these reporting requirements?

You do not have to report substances for which you are not required to have an SDS under the OSHA regulations or that are excluded from the definition of hazardous chemical under EPCRA section 311(e). Each of the following substances are excluded under EPCRA section 311(e):

(a) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

(b) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(c) Any substance to the extent it is used:

(1) For personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance packaged in a similar manner and present in the same concentration as the

substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public;

(2) In a research laboratory or hospital or other medical facility under the

direct supervision of a technically qualified individual; or

(3) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

§ 370.14 How do I report mixtures containing hazardous chemicals?

(a) For a mixture containing a hazardous chemical, use the following table to determine if a reporting threshold is equaled or exceeded, and to determine how to report:

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If your mixture contains a hazardous chemical	To determine if the threshold level for that hazardous chemical is equaled or exceeded you must	If the threshold level for that hazardous chemical is exceeded, then you must
(1) That is an EHS	Determine the total quantity of the EHS present throughout your facility at any one time, by adding together the quantities present as a component in all mixtures and all other quantities of the EHS. You must include the quantity present in a mixture even if you are also counting the quantity of that particular mixture toward the threshold level for that mixture.	<i>Report the EHS component:</i> Submit an SDS for the EHS as provided under § 370.30 or include the EHS on the list of chemicals submitted in lieu of the SDS. And submit Tier I or Tier II information for the EHS as provided under § 370.40. Or <i>Report the mixture itself:</i> Submit an SDS for the mixture as provided under § 370.30 or include the mixture on the list of chemicals submitted in lieu of the SDS. And submit Tier I or Tier II information for the mixture as provided under § 370.40. If you report the mixture itself, then provide the total quantity of that mixture.
(2) That is not an EHS	Determine either: The total quantity of the hazardous chemical present throughout your facility at any one time by adding together the quantity present as a component in all mixtures and all other quantities of the hazardous chemical. You must include the quantity present in a mixture even if	<i>Report the non-EHS hazardous chemical component:</i> Submit an SDS for the non-EHS hazardous chemical as provided under § 370.30 or include the non-EHS on the list of chemicals submitted in lieu of the SDS. And submit Tier I or Tier II information for the

	you are also applying that particular mixture as a whole toward the threshold level for that mixture. Or The total quantity of that mixture present throughout your facility at any one time.	non-EHS hazardous chemical as provided under § 370.40. Or <i>Report the mixture itself:</i> Submit an SDS for the mixture as provided under § 370.30 or include the mixture on the list of chemicals submitted in lieu of SDS. And submit Tier I or Tier II information for the mixture as provided under § 370.40. If you report the mixture itself, then provide the total quantity of that mixture.

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(b) For each specific mixture, the reporting option used must be consistent for both SDS and inventory reporting, unless it is not possible to do so. This means that if you report on a specific mixture as a whole for SDS reporting, you must report on that mixture as a whole for inventory reporting too (unless it is not possible). SDS reporting and inventory reporting are discussed in detail in subpart C of this part.

(c) To determine the quantity of an EHS or a non-EHS hazardous chemical component present in a mixture, multiply the concentration of the hazardous chemical component (in weight percent) by the weight of the mixture (in pounds). You do not have to count a hazardous chemical present in a mixture if the concentration is less than or equal to 1%, or less than or equal to 0.1% for a carcinogenic chemical.

Subpart C—Reporting Requirements**§ 370.20 What are the reporting requirements of this part?**

The reporting requirements of this part consist of SDS reporting and inventory reporting. If you are the owner or operator of a facility subject to

the reporting requirements of this part, then you must comply with both types of reporting requirements. SDS reporting requirements are addressed in §§ 370.30 through 370.33. Inventory reporting requirements are addressed in §§ 370.40 through 370.45.

How To Comply With SDS Reporting**§ 370.30 What information must I provide and what format must I use?**

(a) You must report the hazardous chemicals present at your facility that meet or exceed the applicable threshold levels (threshold levels are in § 370.10) by either:

(1) Submitting an SDS for each hazardous chemical present at your facility that meet or exceed its applicable threshold level; or

(2) Submitting a list of all hazardous chemicals present at your facility at or above the applicable threshold levels. The hazardous chemicals on your list must be grouped by the specific health and physical hazards as listed in section 2 of the SDSs. The list must contain the chemical or common name of each hazardous chemical as provided on the SDS.

(b) Within 30 days of a request by the LEPC, as provided in § 370.10(b), you must also submit an SDS for any

hazardous chemical present at your facility for which you have not submitted an SDS.

§ 370.31 Do I have to update the information?

SDS reporting stated in § 370.30 is a one-time requirement. However, you must update the information in all of the following ways:

(a) Submit a revised SDS after you discover significant new information concerning a hazardous chemical for which an SDS was submitted.

(b) Submit an SDS, or a list as described in § 370.30(a), for any new hazardous chemical for which you become subject to these reporting requirements.

(c) Submit, as requested by the LEPC, an SDS for any hazardous chemical present at your facility which you have not already submitted, as provided in § 370.30(b).

§ 370.32 To whom must I submit the information?

(a) You must submit an SDS or a list to the LEPC, SERC, and fire department with jurisdiction over your facility, as provided in § 370.30(a).

(b) You must submit an SDS to the LEPC if requested, as provided in § 370.30(b).

§ 370.33 When must I submit the information?

(a) You must submit an SDS or a list, as provided in § 370.30(a), for a hazardous chemical subject to the reporting requirements of this part within three (3) months after you first become subject to the reporting requirements of this part, as provided in §§ 370.30 and 370.31(b).

(b) You must submit a revised SDS, as provided in § 370.31(a), within three (3) months after discovering significant new information about a hazardous chemical for which an SDS was submitted.

(c) You must submit an SDS requested by the LEPC, as provided in §§ 370.30(b) and 370.31(c), within 30 days of receiving the request.

How To Comply With Inventory Reporting**§ 370.40 What information must I provide and what format must I use?**

(a) If you are required to comply with the hazardous chemical reporting requirements of this part, then by March 1 every year you must submit inventory information regarding any hazardous chemical present at your facility at any time during the previous calendar year in an amount equal to or in excess of its threshold level. Threshold levels are provided in § 370.10.

(b) Tier I information is the minimum information that you must report to be in compliance with the inventory reporting requirements of this part as described in § 370.41. You may choose to report the Tier II information described in § 370.42 for any hazardous chemical at your facility. You must submit Tier II information to the SERC, LEPC, or fire department with jurisdiction over your facility if they request it. EPA publishes Tier I and Tier II Inventory Forms that provide uniform formats for reporting the Tier I and Tier II information. You may use a state or local format for reporting inventory information if the state or local format contains at least the Tier I information described in § 370.41. EPA's Tier I and Tier II forms are available at <https://www.epa.gov/epcra>.

Note to paragraph (b): Some states require Tier II information annually under state law.

(c) You should contact the SERC to determine that state's requirements for inventory reporting formats, procedures, and to obtain inventory forms.

§ 370.41 What is Tier I inventory information?

Tier I information provides state and local officials and the public with information on the general types and

locations of hazardous chemicals present at your facility during the previous calendar year. The Tier I information is the minimum information that you must provide to be in compliance with the inventory reporting requirements of this part. If you are reporting Tier I information, you must report aggregate information on hazardous chemicals by hazard category. The hazard categories (physical and health hazards) are available on the Tier I form for you to select. The Tier I inventory form includes the following data elements:

(a) The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier I submission is true, accurate, and complete as follows: "I certify under penalty of law that I have personally examined and am familiar with the information and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete." This certification shall be accompanied by your full name, official title, signature, date signed, and total number of pages in the submission including all attachments. All other pages must also contain your signature or signature stamp, the date you signed the certification, and the total number of pages in the submission.

Note to paragraph (a): Some states require electronic reporting and electronic certification. Contact your state for its specific requirements.

(b) The calendar year for the reporting period.

(c) An indication whether the information being reported on page one of the form is identical to that submitted last year.

(d) The complete name and address of the location of your facility (include the full street address or state road, city, county, state, and zip code), latitude, and longitude.

(e) An indication if the location of your facility is manned or unmanned.

(f) An estimate of the maximum number of occupants present at any one time. If the location of your facility is unmanned, check the box marked N/A, not applicable.

(g) The phone number of your facility (optional).

(h) The North American Industry Classification System (NAICS) code for your facility.

(i) The Dun & Bradstreet number of your facility.

(j) Facility identification numbers assigned under the Toxic Release

Inventory (TRI) and Risk Management Program. If your facility has not been assigned an identification number under these programs or if your facility is not subject to reporting under these programs, check the box marked N/A, not applicable.

(k) An indication whether your facility is subject to the emergency planning notification requirement under EPCRA section 302, codified in 40 CFR part 355.

(l) An indication whether your facility is subject to the chemical accident prevention requirements under section 112(r) of the Clean Air Act, codified in 40 CFR part 68, also known as the Risk Management Program.

(m) The name, mailing address, phone number, and email address of the owner or operator of the facility.

(n) The name, mailing address, phone number, Dun & Bradstreet number, and email address of the facility's parent company. These are optional data elements.

(o) The name, title, phone number, 24-hour phone number, and email address of the facility emergency coordinator, if applicable.

Note to paragraph (o): EPCRA section 303(d)(1) requires facilities subject to the emergency planning notification requirement under EPCRA section 302 to designate a facility representative who will participate in the local emergency planning process as a facility emergency coordinator. This includes additional facilities designated by the Governor or SERC under EPCRA section 302(b)(2). EPA encourages facilities not subject to the emergency planning notification requirement also to provide this information, if available, for effective emergency planning in your community.

(p) The name, title, phone number, and email address of the person to contact for the information contained in the Tier I form.

(q) The name, title, phone number, and email address of at least one local individual who can act as a referral if emergency responders need assistance in responding to a chemical accident at your facility. You must also provide an emergency phone number that will be available 24 hours a day, every day.

(r) An indication whether the information being reported on page two of the form is identical to that submitted last year.

(s) An estimate (in ranges) of the maximum amount of hazardous chemicals in each hazard category present at your facility at any time during the preceding calendar year. You must use codes that correspond to different ranges. The range codes are provided in § 370.43.

(t) An estimate (in ranges) of the average daily amount of hazardous

chemicals in each hazard category present at your facility during the preceding calendar year. You must use codes that correspond to different ranges. The range codes are provided in § 370.43.

(u) The maximum number of days that any single hazardous chemical within each hazard category was present at your facility during the reporting period.

(v) The general location of hazardous chemicals in each hazard category within your facility. General locations should include the names or identification of buildings, tank fields, lots, sheds, or other such areas. You may also attach one or more of the following with your Tier I inventory form:

(1) A site plan with site indicated for buildings, lots, areas, etc. throughout your facility.

(2) A list of site coordinate abbreviations that correspond to buildings, lots, areas, etc., throughout your facility.

(3) A description of dikes and other safeguard measures for storage locations throughout your facility.

(w) An indication whether you are including any attachments (optional).

§ 370.42 What is Tier II inventory information?

Tier II information provides state and local officials and the public with specific information on the amounts and locations of hazardous chemicals present at your facility during the previous calendar year. Some states may require you to use a state reporting format including electronic reporting and certification for submitting your hazardous chemical inventory. Contact your state for its specific requirements. The Tier II inventory form includes the following data elements:

(a) The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier II submission is true, accurate, and complete as follows: "I certify under penalty of law that I have personally examined and am familiar with the information and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete." This certification must be accompanied by your full name, official title, signature, date signed, and total number of pages in the submission including all Confidential and Non-Confidential Information Sheets and all attachments. All other pages must also contain your signature or signature stamp, the date

you signed the certification, and the total number of pages in the submission.

Note to paragraph (a): Some states require electronic reporting and electronic certification. Contact your state for the specific requirements in that state.

(b) The calendar year of the reporting period.

(c) An indication whether the information being reported on page one of the form is identical to that submitted last year.

(d) The complete name and address of the location of your facility (include the full street address or state road, city, county, state, and zip code), latitude, and longitude.

(e) An indication if the location of your facility is manned or unmanned.

(f) An estimate of the maximum number of occupants present at any one time. If the location of your facility is unmanned, check the box marked N/A, not applicable.

(g) The phone number of your facility (optional).

(h) The North American Industry Classification System (NAICS) code for your facility.

(i) The Dun & Bradstreet number of your facility.

(j) Facility identification numbers assigned under the Toxic Release Inventory (TRI) and Risk Management Program. If your facility has not been assigned an identification number under these programs or if your facility is not subject to reporting under these programs, check the box marked N/A, not applicable.

(k) An indication if your facility is subject to the emergency planning notification requirement under section 302 of EPCRA, codified in 40 CFR part 355.

(l) An indication whether your facility is subject to the chemical accident prevention requirements under section 112(r) of the Clean Air Act (CAA), codified in 40 CFR part 68, Chemical Accident Prevention Provisions, also known as the Risk Management Program.

(m) The name, mailing address, phone number, and email address of the owner or operator of the facility.

(n) The name, mailing address, phone number, Dun & Bradstreet number, and email address of the facility's parent company. These are optional data elements.

(o) The name, title, phone number, 24-hour phone number, and email address of the facility emergency coordinator, if applicable.

Note to paragraph (o): EPCRA section 303(d)(1) of EPCRA requires facilities subject to the emergency planning notification

requirement (including additional facilities designated by the Governor or SERC under EPCRA section 302(b)(2)) to designate a facility representative who will participate in the local emergency planning process as a facility emergency coordinator. This includes additional facilities designated by the Governor or SERC under EPCRA section 302(b)(2). EPA encourages facilities not subject to the emergency planning notification requirement also to provide this information, if available, for effective emergency planning in your community.

(p) The name, title, phone number, and email address of the person to contact regarding information contained in the Tier II form.

(q) The name, title, phone number and email address of at least one local individual who can act as a referral if emergency responders need assistance in responding to a chemical accident at your facility. You must also provide an emergency phone number that will be available 24 hours a day, every day.

(r) An indication whether the information being reported on page two of the form is identical to that submitted last year.

(s) For each hazardous chemical that you are required to report, you must:

(1) Provide the chemical name (or the common name of the chemical) as provided on the SDS and provide the Chemical Abstract Service (CAS) registry number of the chemical provided on the SDS.

Note to paragraph(s) (1): If you are withholding the name in accordance with trade secret criteria, you must provide the generic class or category that is structurally descriptive of the chemical and indicate that the name is withheld because of trade secrecy. Trade secret criteria are addressed in § 370.64(a).

(2) Indicate whether the chemical is a solid, liquid, or gas; and whether the chemical is an EHS.

(3) If you are reporting a mixture, enter the mixture name, product name or trade name, and CAS registry number as provided on the SDS. If there is no CAS number provided or it is not known, check the box "Not Available."

(4) If the mixture you are reporting contains EHS(s), provide the name of each EHS in the mixture. As provided in § 370.14(a), you also have an option to report the non-EHS hazardous components in the mixture.

(5) Indicate which hazard categories apply to the chemical or mixture. The hazard categories are available for you to select on the Tier II form and found in section 2 of the SDSs.

(6) Provide an estimate (in ranges) of the maximum amount of the hazardous chemical present at your facility on any single day during the preceding calendar year. If you are reporting a

mixture, provide an estimate of the total amount of the mixture present at your facility on any single day during the preceding calendar year. If the mixture contains any EHSs, provide the total amount of each EHS in that mixture. You must use the codes that correspond to different ranges. The amounts and associated range codes are in § 370.43.

(7) Provide an estimate (in ranges) of the average daily amount of the hazardous chemical present at your facility during the preceding calendar year. If you are reporting a mixture, provide an estimate of the average daily amount of the mixture. You must use the codes that correspond to different ranges. The amounts and associated range codes are in § 370.43.

(8) Provide the maximum number of days that the hazardous chemical or mixture was present at your facility during the preceding calendar year.

(9) Provide the type of storage for the hazardous chemical or the mixture containing the hazardous chemical at your facility. Examples of types of storage: above-ground tank, plastic or non-metallic drum, steel drum, cylinder, rail car, etc.

(10) Provide the storage conditions for the hazardous chemical or mixture containing the hazardous chemical at your facility. Examples for types of storage conditions: Ambient pressure, ambient temperature, less than ambient temperature/pressure, cryogenic conditions, etc.

Note to paragraphs(s) (9) and (10): Your SERC or LEPC may have specific instructions for reporting types of storage and/or storage conditions.

(11) Provide a brief description of the precise location(s) of the hazardous chemical(s) or mixture(s) at your facility. You may also attach one of the following with your Tier II inventory form:

(i) A site plan with site coordinates indicated for buildings, lots, areas, etc. throughout your facility.

(ii) A list of site coordinate abbreviations that correspond to buildings, lots, areas, etc., throughout your facility.

(iii) A description of dikes and other safeguard measures for storage locations throughout your facility.

(12) Under EPCRA section 324, you may choose to withhold from disclosure to the public the location information

for a specific chemical. If you choose to withhold the location information from disclosure to the public, you must clearly indicate that the information is “confidential.” You must provide the confidential location information on a separate sheet from the other Tier II information (which will be disclosed to the public) and attach the Confidential Location Information Sheet to the other Tier II information. Indicate any attachments you are including.

(13) You may provide additional reporting. For example, if your state or local agencies require you to provide inventory information on additional chemicals or if you wish to report any hazardous chemical below the reporting thresholds specified in § 370.10, check the appropriate box.

(t) An indication whether you are including any attachments (optional).

§ 370.43 What codes are used to report Tier I and Tier II inventory information?

(a) Except as provided in paragraph (b) of this section, you must use the following codes to report the maximum amount and average daily amount when reporting Tier I or Tier II inventory information:

Range codes	Weight range in pounds	
	From	To
01	0	99
02	100	499
03	500	999
04	1,000	4,999
05	5,000	9,999
06	10,000	24,999
07	25,000	49,999
08	50,000	74,999
09	75,000	99,999
10	100,000	499,999
11	500,000	999,999
12	1,000,000	9,999,999
13	10,000,000	(*)

* Greater than 10 million.

Note to paragraph (a): To convert gas or liquid volume to weight in pounds, multiply by an appropriate density factor.

(b) Your SERC or LEPC may provide other range codes for reporting maximum amount and average daily amount or may require reporting of specific amounts. You may use your SERC’s or LEPC’s range codes (or specific amounts) provided the ranges are not broader than the ranges in paragraph (a) of this section.

§ 370.44 To whom must I submit the inventory information?

You must submit the required inventory information to your SERC,

LEPC, and the fire department with jurisdiction over your facility.

§ 370.45 When must I submit the inventory information?

(a) You must submit the required inventory information on or before March 1st of each year after your facility becomes subject to this part. Your submission must contain the required inventory information on hazardous chemicals present at your facility during the preceding calendar year at or above the threshold levels. Threshold levels are in § 370.10. The minimum required inventory information under EPCRA section 312 is Tier I information. Tier I

information requirements are described in § 370.41.

(b) You must submit Tier II information within 30 days of the receipt of a request from the SERC, LEPC, or fire department with jurisdiction over your facility, as provided in § 370.10(b). Tier II information requirements are described in § 370.42.

Subpart D—Community Access to Information

§ 370.60 How does a person obtain SDS information about a specific facility?

Any person may obtain an SDS for a specific facility by writing to the LEPC and asking for it.

(a) If the LEPC has the SDS it must provide it to the person making the request.

(b) If the LEPC does not have the SDS it must request it from the facility's owner or operator.

§ 370.61 How does a person obtain inventory information about a specific facility?

(a) Any person may request Tier II information for a specific facility by writing to the SERC or LEPC.

(1) If the SERC or LEPC has the Tier II information, the SERC or LEPC must provide it to the person making the request.

(2) If the SERC or LEPC does not have the Tier II information, it must request it from the facility owner or operator in either of the following cases:

(i) The person making the request is a state or local official acting in an official capacity.

(ii) The request is for hazardous chemicals in amounts greater than 10,000 pounds stored at the facility at any time during the previous calendar year.

(3) If the SERC or LEPC does not have the Tier II information, it may request it from the facility owner or operator when neither condition in paragraph (a)(2) of this section is met but the person's request includes a general statement of need.

(b) A SERC or LEPC must respond to a request for Tier II information under this section within 45 days of receiving such a request.

§ 370.62 What information may a state or local official request from a facility?

The LEPC may ask a facility owner or operator to submit an SDS for a hazardous chemical present at the facility. The SERC, LEPC, or fire department with jurisdiction over a facility may ask a facility owner or operator to submit Tier II information. The owner or operator must provide the SDS (unless the owner or operator has already submitted an SDS to the LEPC for that hazardous chemical) or Tier II information within 30 days of receipt of such request.

§ 370.63 What responsibilities do the SERC and LEPC have to make request information available?

Under this subpart, the SERC or LEPC must make the following information (except for confidential location information discussed in § 370.64(b)) available if a person requests it:

(a) All information obtained from an owner or operator in response to a request under this subpart.

(b) Any requested Tier II information or SDS otherwise in possession of the SERC or the LEPC.

§ 370.64 What information can I claim as trade secret or confidential?

(a) *Trade secrets.* You may be able to withhold the name of a specific chemical when submitting SDS reporting or inventory reporting information if that chemical name is claimed as a trade secret. The requirements for withholding trade secret information are set forth in EPCRA section 322 and implemented in 40 CFR part 350. If you are withholding the name of a specific chemical as a trade secret in accordance with trade secrecy requirements, you must report the generic class or category that is structurally descriptive of the chemical along with all other required information. You must also submit the withheld information to EPA and must adequately substantiate your claim. A Form for substantiating trade secret claims is available at the Agency website at <https://www.epa.gov/epcra>.

(b) *Confidential location information.* You may request that the SERC and LEPC not disclose to the public the location of any specific chemical required to be submitted in Tier II information. If you make such a request, the SERC and LEPC must not disclose the location of the specific chemical. Although you may request that location information (with respect to a specific chemical) be withheld from the public, you may not withhold this information from the SERC, LEPC, and the local fire department. If you use the Tier II Form to report your inventory information, you can choose to report the confidential location information for the specific chemical on the Tier II Confidential Location Form and attach this form to the other Tier II information you are reporting. The Tier II Confidential Location Form is available on the Agency website at <https://www.epa.gov/epcra>.

§ 370.65 Must I allow the local fire department to inspect my facility, and must I provide specific location information about hazardous chemicals at my facility?

If you are the owner or operator of a facility that has submitted inventory information under this part, you must comply with the following two requirements upon request by the fire department with jurisdiction over your facility:

(a) You must allow the fire department to conduct an on-site inspection of your facility; and

(b) You must provide the fire department with information about the

specific locations of hazardous chemicals at your facility.

§ 370.66 [Reserved]

Note to § 370.66: Definitions are in § 370.3.

[FR Doc. 2025–19920 Filed 11–14–25; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 22–459; FCC 25–64; FR ID 317689]

2022 Quadrennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks comment on the Commission's media ownership rules. It asks whether the Local Radio Ownership Rule, the Local Television Ownership Rule, and the Dual Network Rule remain necessary in their existing form, or whether they should be modified or repealed. Section 202(h) of the Telecommunications Act of 1996 directs the Commission to conduct such review every four years.

DATES: Comments due on or before December 17, 2025. Reply comments due on or before January 16, 2026.

ADDRESSES: Interested parties may submit comments and replies, identified by MB Docket No. 22–459, by any of the following methods:

- *Electronic Filers.* Comments may be filed electronically by accessing ECFS at: <http://apps.fcc.gov/ecfs/>. Follow the instructions for submitting comments.

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

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

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

or fasteners. Any envelopes must be disposed of before entering the building.

- Commercial courier deliveries (any deliveries other than U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

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

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

- In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act proposed information collection requirements contained herein should be submitted to the Federal Communications Commission via email to PRA@fcc.gov and to Cathy Williams, FCC, via email to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Ty Bream, Industry Analysis Division, Media Bureau, Ty.Bream@fcc.gov, (202) 418-0644.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), FCC 25-64, in MB Docket No. 22-459, adopted and released on September 30, 2025.

The full text of this document is available electronically via the search function on the FCC's website at:

<https://docs.fcc.gov/public/attachments/FCC-25-64A1.pdf>.

Paperwork Reduction Act. This document may contain proposed new or modified information collections. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on any information collections contained in this document, as required by the Paperwork Reduction Act of 1995. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Providing Accountability Through Transparency Act. The Providing Accountability Through Transparency Act requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. Accordingly, the Commission will publish the required summary of this Notice of Proposed Rulemaking on <https://www.fcc.gov/proposed-rulemakings>.

Synopsis

1. With this Notice of Proposed Rulemaking (NPRM), we seek comment on the Commission's media ownership rules pursuant to section 202(h) of the Telecommunications Act of 1996, which directs the Commission to review such rules every four years to determine whether they remain "necessary in the public interest as the result of competition" and to "repeal or modify any regulation [that it] determines to be no longer in the public interest." This periodic review aims to ensure that the media ownership rules continue to serve the public interest in light of new and emerging technologies and ever-evolving marketplace conditions. The rules subject to our review in this proceeding are: (1) the Local Radio Ownership Rule; (2) the Local Television Ownership Rule; and (3) the Dual Network Rule. As discussed below, we seek comment on whether these rules remain necessary in their existing form, or whether any such rules should be modified or repealed.

Background

2. The three rules within the scope of our review in this proceeding have been part of the Commission's broadcast regulatory framework for more than half a century. The Commission concluded the most recent of these statutorily mandated periodic reviews in December 2023, with the issuance of a Report and Order in its 2018 Quadrennial Review proceeding.

3. The 2018 Quadrennial Review Order, among other things, reaffirmed the relevant legal framework for evaluating the Commission's media ownership rules pursuant to section 202(h). First, the Commission stated that the phrase "necessary in the public interest" in section 202(h) establishes a "'plain public interest' standard under which 'necessary' means 'convenient,' 'useful,' or 'helpful,' not 'essential' or 'indispensable.'" Second, the Commission stated then the principle that section 202(h) creates no "presumption in favor of repealing or modifying the ownership rules," and that the agency, therefore, has discretion "to make [the rules] more or less stringent." Third, the Commission then reaffirmed its broad statutory authority, as validated by the Supreme Court in *FCC v. Prometheus*, to regulate broadcast stations in the public interest. In particular, the Commission reaffirmed that the public interest analysis under section 202(h) should continue to focus on whether the ownership rules remain necessary to advance the agency's three traditional

policy goals of competition, localism, and viewpoint diversity, and that the Commission should not abandon this approach in favor of an approach that elevates one public interest goal (e.g., competition) over another.

4. In applying this framework, the Commission concluded in the 2018 proceeding that two of the three rules noted above—the Local Radio Ownership Rule and the Local Television Ownership Rule—remain necessary in the public interest, with some modifications. Specifically, the Commission found that the public interest would be served by revising the Local Radio Ownership Rule to make permanent the interim contour-overlap methodology historically used to determine ownership limits in areas outside the boundaries of defined Nielsen Audio Metro markets and in Puerto Rico. The Commission determined that these minor modifications would enable the Local Radio Ownership Rule to promote the public interest more effectively going forward. The Commission also found that it was necessary to revise the Local Television Ownership Rule by (1) updating the methodology for determining station ranking within a geographic market and (2) expanding the existing prohibition on transactions involving certain network affiliations in a market. The Commission stated that these modest adjustments to the Local Television Ownership Rule were justified in view of changes that occurred in the television marketplace, and that the rule ensures competition among local broadcasters while allowing for flexibility in appropriate circumstances. As for the Dual Network Rule, the Commission concluded that, despite marketplace changes, the rule remains necessary in the public interest without modification. In particular, the Commission found that the Dual Network Rule continues to promote competition in the provision of programming intended for large national audiences and the sale of national advertising time, and continues to foster localism by maintaining a balance of bargaining power between the Big Four broadcast networks (Big Four networks) and their respective affiliate groups.

5. Parties raised legal challenges to the 2018 Quadrennial Review Order shortly after its adoption, which were decided by the United States Court of Appeals for the Eighth Circuit. On July 23, 2025, the court largely upheld the 2018 Quadrennial Review Order but vacated and remanded components of the Local Television Ownership Rule. The court found that the Commission acted arbitrarily and capriciously in

retaining the Top-Four Prohibition—the provision requiring that, at the time an application to acquire or construct a television station is filed, at least one of the stations is not ranked among the top-four stations in terms of audience share in the local television market. The court also held that the Commission's expansion of the existing prohibition on television transactions involving certain network affiliations was adopted in excess of section 202(h)'s grant of statutory authority. Regarding section 202(h)'s grant of statutory authority, the court held that the statute allows the Commission to loosen regulations but not tighten them.

6. The Media Bureau sought comment on the media ownership rules with a December 22, 2022 Public Notice (2022 *Quadrennial Review Public Notice*). We received comments from various parties in response to this notice, including broadcasters, network affiliates, trade associations, public interest groups, academics, and individuals. Those comments helped to inform the discussion that follows below.

Policy Goals

7. As discussed above, the Commission historically has reviewed its ownership rules with the express purpose of determining whether such rules remain necessary in the public interest. This analysis has focused principally on whether the particular rule continues to advance the agency's traditional policy goals of competition, localism, and viewpoint diversity. Where there is a conflict between competing goals, the Commission has weighed the potential effects to determine whether, on balance, the rule continues to serve the public interest. As such, the public interest analysis under section 202(h) has been conducted as a multi-factor review in which no one factor is controlling.

8. We seek comment on the three traditional policy goals of competition, localism, and viewpoint diversity. As prescribed by section 202(h), competition is a central policy goal of our quadrennial review. We weigh and balance tradeoffs among the three goals where they arise, as the goals are not always discrete and mutually exclusive. We recognize that, in some respects, they may overlap and complement each other. Accordingly, we seek comment on whether there are new ways to think about or define these goals and how best to balance them in the course of this review. We also seek comment on how to measure localism, viewpoint diversity, and competition. Have changes in the marketplace rendered certain of these goals obsolete in the

context of this review? If so, how should we refine our analysis to reflect these changes?

9. In *Zimmer v. FCC*, the United States Court of Appeals for the Eighth Circuit held that the Commission's prior definition of competition was consistent with section 202(h). The court found that section 202(h)'s public interest standard provides significant discretion to the Commission. The court also held that the Commission likewise has discretion to interpret "competition" so as to serve the public interest most effectively. The court noted that the Commission's exercise of its discretion must be consistent with the law and does not operate outside the constraints of the Administrative Procedure Act's arbitrary-and-capricious review. We seek comment on how our review of the remaining media ownership rules may be undertaken within these parameters. Specifically, when proposing that the Commission take a certain action, commenters should also explain how the proposed action fits within the boundaries of our discretion.

10. We also seek comment on whether there are other public interest goals we should consider as part of our quadrennial review process. For instance, some commenters emphasize the importance of broadcast media for public safety purposes during times of emergency as a means to disseminate news and other critical information. iHeart points out that AM radio broadcasters play an important role in disseminating national emergency announcements. Along these lines, should we consider the continued existence of a nationwide broadcast infrastructure, and its importance for national security purposes, as a policy goal?

Media Ownership Rules

A. The Local Radio Ownership Rule

11. The Local Radio Ownership Rule limits both the total number of radio stations an entity may own within a local market and the number of radio stations within the market that the entity may own in the same service, AM or FM (the latter limits referred to as AM/FM subcaps). Specifically, the Local Radio Ownership Rule incorporates a sliding scale based on market size, permitting an entity to own: (1) up to eight commercial radio stations in radio markets with at least 45 radio stations, no more than five of which may be in the same service (AM or FM); (2) up to seven commercial radio stations in radio markets with 30–44 radio stations, no more than four of which may be in the same service (AM

or FM); (3) up to six commercial radio stations in radio markets with 15–29 radio stations, no more than four of which may be in the same service (AM or FM); and (4) up to five commercial radio stations in radio markets with 14 or fewer radio stations, no more than three of which may be in the same service (AM or FM), provided that the entity does not own more than 50 percent of the radio stations in the market unless the combination comprises not more than one AM and one FM station. Overlap between two stations in different services is allowed if neither of those stations overlaps a third station in the same service. Only full-power commercial and noncommercial radio stations count when calculating the total number of stations in the market. Radio markets are defined geographically by Nielsen Audio Metros where available, while the contour-overlap methodology is used in areas outside of defined and rated Nielsen Audio Metro markets and in Puerto Rico.

12. The current radio ownership limits were established by Congress in 1996. In the past, the Commission has found that local radio ownership limits promote competition and should be retained. In the last quadrennial review, the Commission retained the Local Radio Ownership Rule with one modification to codify the interim contour-overlap methodology long used to determine ownership limits in areas outside the boundaries of defined Nielsen Audio Metro markets and in Puerto Rico. The United States Court of Appeals for the Eighth Circuit subsequently upheld the Commission's retention and modification of the Local Radio Ownership Rule. Comments submitted in response to the 2022 *Quadrennial Public Notice* reflect disagreements over the benefits of, and need for, the current rule.

13. We seek comment on whether the Local Radio Ownership Rule remains necessary to further the public interest. As trustees of publicly-owned spectrum, radio licensees must meet statutory public interest requirements, which include obligations to operate stations in a manner responsive to local community needs and interests. We seek comment on the Local Radio Ownership Rule's role in the audio marketplace and its impact on the public interest. Is the existing rule limiting the ability or potential of broadcast radio to deliver public interest benefits to listeners? If the rule were to be loosened or eliminated, would the current audio marketplace deliver the same or comparable benefits to consumers, particularly with respect to

our policy goals of competition, localism, and viewpoint diversity?

14. *Audio Marketplace Competition.* While the Commission has previously treated local broadcast radio as its own discrete market, we seek comment on whether we should revise the product market definition, as NAB and the Joint Commenters suggest, to include such non-broadcast audio sources as satellite radio, audio streaming services, webcasting, podcasting, or other programming platforms as substitutes for broadcast radio. Such commenters have noted the abundance of audio and other media options available to consumers. Although this is not entirely a new phenomenon, and the broadcast radio industry has witnessed the arrival of new forms of media and technology in the past, does competition exist among the digital media platform field and the radio broadcasting industry? Do online audio and other media platforms compete directly with broadcast radio today? Are there any challenges that new sources of audio programming exert on broadcast radio revenues or business models, today? If there are challenges, how have those challenges changed over time, and what are the public interest implications? Are there any alternative or new sources of competition in the audio marketplace that are of particular concern and why?

15. Does radio's free, over-the-air availability or local nature make it unique or difficult to substitute in the audio marketplace with respect to fulfilling the Commission's traditional public interest objectives of competition, localism, and viewpoint diversity? Alternatively, should we continue to focus on broadcast radio's unique attributes when evaluating competition from non-broadcast sources that are not subject to the ownership limits, including, among others, satellite radio, podcasts, and audio streaming services? Despite the lack of public interest obligations, do these non-broadcast audio sources nonetheless provide a competitive service from the listener's perspective? Should we continue to retain limits on the concentration of radio stations, independent of whether we find that broadcast radio remains a distinct product market? Should we consider other public interest benefits or other objectives, including those that are non-economic in nature, that broadcast radio, generally, or AM or FM, separately, offer to listeners? For example, does the use of broadcast media for public safety purposes during times of emergency as a means to disseminate news and other critical

information make it unique or difficult to substitute in the audio marketplace?

16. In light of the importance of advertising revenue to local commercial radio's viability, do advertisers view satellite radio, audio streaming services, podcasting, or any other audio source as substitutes for broadcast radio? What is the current impact of social media or other online platforms, such as Google and Facebook, on local advertising markets? Do non-broadcast audio services provide programming that responds to the needs and interests of local markets, and if so, how? To what extent, if any, should we take into account the deployment of digital, over-the-air radio technology (especially for AM stations) and its role in enabling station owners to expand their program offerings, improve listenability, and increase their economies of scale and scope?

17. If we were to revise the product market definition beyond our traditional focus on local broadcast radio service and thereby include non-broadcast sources in our definition, how should we do so? What non-broadcast sources should we include in the analysis, and how should we count them or otherwise factor them into our rule for purposes of setting or administering limits? Would an expanded product market definition better serve our core public interest goals of competition, localism, and viewpoint diversity?

18. *Local Radio Ownership Limits.* If the Commission determines that broadcast radio ownership limits remain necessary in the public interest as the result of competition, we seek comment on whether the existing market size tiers and limits on the number of stations an entity may own are set appropriately and whether the limits are producing any unintended consequences with respect to the public interest. For instance, should the Commission retain, modify, or eliminate existing limits on the total number of radio stations owned in a local market? Should the Commission consider new or different market size tiers (e.g., the creation of one or more market size tiers above the 45-station tier that would allow for additional ownership beyond the current eight station cap)? Should the Commission take a different approach altogether (e.g., using population or some other metric to define the tiers)? Would changing the existing limits or market size tiers contravene the understanding or intent of Congress, which adopted the current approach based on the number of stations in a market?

19. If we retain overall limits in some form, should we continue to have

separate limits (or subcaps) for ownership of FM and/or AM stations that limit the number of radio stations a licensee can own in the same service (AM or FM) in a single market? If so, what should those limits be? Is there an overall disparity (either competitive or technical) between the FM and AM services? Has the digital radio transition affected evaluation of the subcaps? To the extent commenters believe that loosening or eliminating the subcaps would devalue or jeopardize the viability of AM radio stations, in particular, by causing a migration of ownership or investment from AM to FM stations, what analysis or other evidence supports this belief. Is there evidence that subcaps historically have promoted market entry? If so, what are some tradeoffs? Do subcaps promote competition or otherwise serve the public interest? If that is the case, are they currently set at appropriate levels? Should the Commission consider relaxing one of the subcaps (AM or FM) but not the other, as some commentators suggest?

20. In addition to seeking comment on the current structure of the Local Radio Ownership Rule, we seek comment on whether there are any other changes we should make with respect to the rule. For instance, should we provide relief via the rule that is specific to smaller markets, smaller owners, or struggling stations? What market and industry criteria should smaller entities have to meet to qualify for relief? How would the Commission determine when a station is struggling so that it qualifies for relief? Should the Commission consider revising the rule to account more directly for concentration or other characteristics of stations, perhaps by limiting or permitting consolidation based not only on the number of stations an entity owns, but also based on the relative strength or reach of those stations within local radio markets? Should we establish a process for case-by-case review of station acquisitions in certain circumstances or presumptions in favor of relief that would apply? To the extent commenters propose revisions to the existing limits, we ask that they explain specifically where the Commission should draw lines and what data or analysis supports their proposals.

21. Commenters supporting changes to the rule should explain how such changes would promote the public interest and how those benefits would offset or outweigh any harms. Do current limits adequately prevent a single licensee from amassing excessive local market power? Conversely, do they permit sufficient growth and innovation

to enable radio broadcasters to obtain assets they may need to improve service? Are the current limits standing in the way of pro-competitive or pro-consumer transactions that would otherwise take place? For instance, would loosening or eliminating the existing limits lead to a greater ability for small or mid-sized station owners to combine and better compete with larger owners in individual markets? Would loosening or eliminating the existing limits lead to more or less local programming? We ask commenters to provide concrete examples in markets where they see the current limits as either too restrictive or too lenient, explain how those examples typify situations in other markets, specify benefits to be gained by revising or eliminating the limits, and explain why those proposed benefits should be expected to flow from any proposed rule change. Commenters should provide supporting evidence and economic analysis to the extent possible.

B. Local Television Ownership Rule

22. The Local Television Ownership Rule provides that an entity may own up to two television stations in the same Nielsen Designated Market Area (DMA) if: (1) the digital noise limited service contours (NLSCs) of the stations do not overlap; or (2) at the time the application to acquire or construct the station(s) is filed, at least one of the stations is not ranked among the top-four stations in the DMA—referred to as the Top-Four Prohibition.

23. The Commission concluded in its most recent media ownership review that local television ownership limits remained necessary to promote the Commission's public interest goals of competition, localism, and viewpoint diversity given the unique obligations broadcast television licensees have as trustees of the public's airwaves to serve their local communities. The Commission also found that, based on the record in that proceeding, broadcast television remained its own distinct product market. The Commission also modified the methodology for administering the rule's Top-Four Prohibition. The United States Court of Appeals for the Eighth Circuit subsequently vacated the Top-Four Prohibition along with the modifications to Note 11 adopted in the previous media ownership review.

24. The initial question of this review remains whether the Local Television Ownership Rule is necessary in the public interest as a result of competition, notwithstanding substantial changes that have occurred in the video marketplace with changes

in technology (including online video, and digital television broadcasting) and the challenges now facing the broadcast television industry. The provision of local programming that serves the needs and interests of a local community through free, over-the-air transmission remains the hallmark of broadcast television and is an important means by which broadcast licensees serve the public in exchange for their use of the spectrum. With new competition for viewers' attention, however, come new challenges for the broadcast television industry as stations seek to fulfill their public interest obligations. Accordingly, we seek comment on whether the Local Television Ownership Rule continues to further broadcast television service to American consumers, or whether, in light of the pressures local television stations now face, the existing rule stands in the way of their ability to better serve their local communities and allowing local broadcasters to compete. We seek comment on all aspects of the rule's implementation and on whether the current version of the rule is necessary to serve the public interest in the current television marketplace or, alternatively, whether the rule should be modified or repealed. Comments submitted in response to the 2022 Quadrennial Public Notice also inform our questions below.

25. *Video Marketplace Competition.* We seek comment on the appropriate product market definition and market participants that the Commission should consider as part of its Local Television Ownership Rule analysis, including whether an alternative market definition would better reflect how consumers access and make use of video programming. Multiple commenters point to the enormous number of video programming options now available to consumers. We seek comment on whether or how the Commission can account for non-broadcast video programming in our market definition analysis. We also seek comment on whether and to what extent non-broadcast video entities provide local news and other local content. For example, among the video streaming services that offer local content, are there any that provide local content from sources other than broadcast television? Are any such options available for free to the public at large? Do these options differ by market? Are they comparable to traditional media in terms of scale and reach? Are there certain segments of the population that rely primarily on over-the-air broadcasting and what data support this? Does the amount of local video

programming available to the public depend on a television market's attributes? What sources of local video programming are present in most television markets?

26. Broadcast commenters also continue to focus on the broad advertising marketplace and the increased competition for advertising revenue from entities not subject to the Commission's ownership limits. We seek comment on how permitting broadcasters to achieve economies of scale through common ownership will enhance their ability to compete against non-broadcast entities and serve the public interest. Specifically, broadcasters describe the loss of audiences and advertisers to online outlets. Despite this, are there certain advertisers for whom online advertising is not an adequate substitute for broadcast television advertising? Do some advertisers use both online and television advertising to reach different audiences? Are there reasons to differentiate among markets by the size of the DMA? Does broadcast television advertising have characteristics that other forms of advertising do not have and that are valuable to some advertisers?

27. While the considerable expansion of options for accessing video content has benefited viewers, to what extent do such developments make it more difficult for broadcast television stations to serve their local communities? Are there reasons to differentiate among markets by the size of the DMA? Should the Local Television Ownership Rule still aim to foster a variety of broadcast television station owners in a local market without taking the larger video landscape into consideration?

Accordingly, we seek comment on whether broadcast television stations are spurred by competing local stations to produce benefits for consumers (e.g., more choice, better quality, innovation, reinvestment in stations, or technology improvements). We also seek comment on whether and how non-broadcast sources affect broadcast television stations' ability to produce benefits for consumers. In what ways are broadcast television stations spurred to produce more local programming, respond to local issues, or offer new or different viewpoints within the local marketplace? Are there direct metrics or appropriate proxies by which we can measure and assess the levels of these responses or their trends over time?

28. Broadcast commenters assert that the competitive pressures from non-broadcast sources of video programming would more than suffice to incentivize them to continue producing content that

serves consumers and their communities. However, consumer advocacy interest groups consistently maintain that the ownership limits for television prevent consumer harm. We seek comment on whether, how, and to what extent viewers continue to be served by television stations at the local community level. We also seek comment on whether there is any correlation between consolidation and investment by broadcasters back into their local station operations. Do large television ownership groups invest in locally focused programming, national and regional content, or both? How do these factors differ by the size of a DMA?

29. We recognize the many challenges faced by the broadcast television industry but also note that, throughout all of the changes in the video marketplace, the one constant that remains is the duty of broadcast licensees to serve the public interest. How are the challenges today different in nature or scope from the various challenges the industry has endured or adapted to over the decades? Can alleviating pressures faced by television broadcasters through deregulatory measures promote the interests of the public? In what ways, if any, does robust cross-platform competition mitigate or alleviate the harms that could flow from concentration of broadcast television ownership? Are there other measures outside of this rulemaking that the Commission could take to allow broadcast licensees to continue serving the public interest while facing robust cross-platform competition? We seek comment on how developments in the video programming industry affect whether the Local Television Ownership Rule remains necessary as a result of competition.

30. Broadcast commenters assert that further consolidation is the only viable path for broadcast television stations to maintain their role in providing news and programming to local communities. We seek comment on whether consolidation has produced verifiable public interest benefits or harms. Has consolidation resulted in increased content originating outside the communities of license, duplicative news reporting across regions, or reduced coverage of local news and events? Are there metrics that suggest consolidation has resulted in more or better local news or are there metrics that suggest the opposite is true? Is there evidence that shows that prior actions by the Commission to loosen or eliminate ownership restrictions resulted in more or better local news, in a way that might help inform what

might occur in the broadcast market? Is the broader video programming marketplace competitive enough to act itself as a check on any potential harms from undue concentration that might occur in the absence of television ownership limits? Given that many broadcast television stations earn a significant share of revenue from retransmission consent payments from multichannel video programming distributors (MVPDs), should any effect on these payments resulting from a change in the Local Television Ownership Rule be included in the Commission's public interest analysis? And if so, how should the Commission account for the share of these revenues that are paid by the station back to the national networks? Should such payments be considered differently than other payments for content and, if so, why?

31. *Local Television Ownership Limits.* If the Commission determines that broadcast television ownership limits remain necessary in the public interest as the result of competition, we seek comment on whether the existing components of the rule are appropriately set. With respect to the existing limit of two stations per Nielsen DMA, should the Commission retain, modify, or eliminate that limit? To what extent, if at all, does the limit curtail the ability of broadcast television stations to serve the public interest? What benefits or harms, if any, to competition, localism, or viewpoint diversity would be likely to accrue if the Commission loosened or eliminated the limit? How should the Commission measure or balance those benefits or harms? We ask commenters to provide supporting evidence and economic analysis to the extent possible. Should the Commission consider either adopting case-by-case flexibility for the review of transactions involving ownership of a third station in a local market or establishing a presumption in favor of granting ownership of a third station under certain circumstances? Should the same numerical limit be applied across all television markets, or should the limit be based on market size or tiers as it is with the Local Radio Ownership Rule? Are there other actions the Commission could take to minimize or limit potential harms from reduced viewpoint diversity? Has the grandfathering of existing combinations of broadcast stations under prior versions of the rules produced advantages for those grandfathered stations that are not available to new entrants under the current restrictions?

C. Dual Network Rule

32. The Dual Network Rule provides that "[a] television broadcast station may affiliate with a person or entity that maintains two or more networks of television broadcast stations *unless* such dual or multiple networks are composed of two or more persons or entities that, on February 8, 1996, were 'networks' as defined in § 73.3613(a)(1) of the Commission's regulations (that is, ABC, CBS, Fox and NBC)." The rule, therefore, permits common ownership of multiple broadcast networks by a single entity, but effectively prohibits a merger between or among any of the Big Four networks, *i.e.*, ABC, CBS, FOX, and NBC.

33. In the *2018 Quadrennial Review Order*, the Commission concluded that, despite intervening marketplace developments, the Dual Network Rule remains necessary in the public interest because it advances the agency's core policy objectives of competition and localism. In particular, the Commission found, consistent with past findings, that the Dual Network Rule promotes competition in the provision of programming intended for large national audiences and the sale of national advertising time as well as fosters localism by preserving the balance of bargaining power between the Big Four broadcast networks and their respective affiliate groups.

34. We seek comment on whether the Dual Network Rule remains necessary to promote the Commission's public interest goals of competition, localism, and viewpoint diversity. In previous assessments of the Dual Network Rule, the Commission generally has viewed the Big Four networks as participating in the marketplace in two principal ways: (1) by aggregating and distributing a collection of programming intended for large, national audiences; and (2) by selling blocks of advertising time to entities wishing to target ads to large, national audiences. The Commission found that competition among the Big Four networks for audience share and advertising revenues advanced the public interest by incentivizing each of those networks to create and distribute the most appealing, innovative, and high-quality programming to consumers. The Commission further determined that a merger of two or more Big Four networks would reduce competition along these dimensions and enable the networks to create barriers to market entry. The Commission arrived at this conclusion by analyzing data that show the Big Four broadcast networks are in a class of their own when it comes to producing national

programming and selling national advertising time as compared to the other broadcast and cable networks.

35. We seek comment on metrics that best reflect the nature and scope of competition by or among the Big Four networks. In response to the *2022 Quadrennial Review Public Notice*, Network Commenters contend that the Big Four networks are no longer unique within the larger media landscape—particularly with respect to video entertainment programming and national advertising—and therefore maintaining a rule specific to the networks no longer makes sense. We seek comment on this position. What impact does network dominance have on consumer choice? Does the Big Four networks' historical or continued dominance in certain categories give them unique or outsized leverage in negotiations with the owners or producers of certain content? Would such leverage change with a merger between two of these networks, and what would any such change mean for viewers?

36. Additionally, we seek comment on the role the Big Four networks play in the advertising marketplace and what impact it has on consumers. As has existed in the past, does there remain a meaningful disparity in advertising rates between Big Four networks and other programming networks? Is looking at audience size and ad revenue data enough to compare the Big Four rates to other programming networks? If not, what data sources bear that out? Is this a relevant metric to use? If not, why not?

37. Along similar lines, we seek comment on whether the Big Four networks remain a “unique and discrete group” within the larger marketplace as measured by their net advertising revenues. Does there persist a meaningful disparity between the net advertising revenues of the Big Four networks and other broadcast and cable networks? To the extent that the most recent data reflect a continuing disparity in net advertising revenues between the Big Four networks and other networks, does such data support a finding that the Big Four networks remain more attractive to advertisers seeking consistent, national audiences than other programming networks and thus continue to operate as a “strategic group” in the national advertising market? Does competition for advertisers among the Big Four networks spur them to act in ways that serve the public interest?

38. One of the most significant marketplace developments in recent decades has been the online distribution of programming from a multiplicity of

sources. Network Commenters point out that online video distributors now devote large budgets to creating original programming for online distribution and such programming is increasingly drawing larger numbers of viewers and/or views. The largest among these online video providers currently reach millions of consumers, and digital advertising on these and other online platforms has risen steadily. How, if at all, have online video distributors changed the marketplace for programming intended for large, national audiences? Are there ratings or other metrics the Commission could use to adequately compare the programming of online video distributors to that of the networks? Are there instances of online video distributors acting in a way to serve the public interest, similar to the requirement that broadcasters have? Notably, the Big Four networks now also own their own online video distribution platforms. How, if it at all, should their ownership of these platforms factor into our evaluation of the Dual Network Rule and its relationship to our public interest goals?

39. In addition, how, if at all, has the increase in national advertising via online platforms affected competition for advertising revenues by and among the Big Four networks? How, if at all, should the increase in national advertising revenues earned by online platforms (and the concomitant relevant or absolute decrease in such revenues earned by broadcast networks, if any) factor in to our assessment of whether the Dual Network Rule remains necessary in the public interest as the result of competition? Previously, the Commission found that Big Four broadcast networks offer a unique advertising product that reaches the largest audience possible. Do online video distributors sell advertising time in linear programming in a manner that competes with the advertising opportunities afforded by Big Four broadcast networks, or do advertisers see those platforms as serving a different market or providing a different product? Further, how, if at all, should any other marketplace developments (e.g., the growth of diginets) factor into our analysis of the rule?

40. To the extent the metrics above reflect competition among the Big Four networks, in what ways, specifically, do viewers benefit from such competition? What would be lost and how, if at all, would viewers be harmed if the industry had fewer independently owned Big Four networks? While there may be other entities that compete with aspects of what the Big Four networks offer—in terms of sports or other live

events, national news, or entertainment programming—are there any entities that currently, and consistently, provide, or that have a similar well-established track record of providing, the amalgam of offerings provided by the Big Four broadcast networks?

41. We also seek comment on whether the Dual Network Rule remains necessary to advance the Commission's longstanding policy goal of localism. To maximize their national audience, the Big Four networks traditionally have acquired their own local broadcast stations (typically in the largest television markets) and entered into affiliation agreements with station owners throughout the rest of the country. Through this affiliation model, the Big Four networks have benefitted by obtaining wide scale delivery of their programming; network affiliates have benefitted by obtaining access to high-quality network programming. Television viewers benefit from localism to the extent that their network-affiliated, local television stations have latitude to preempt national, network programming in favor of local programming that is of greater value or importance to them and to create programming that serves local needs and interests. As the Commission has explained, this network-affiliate model has long sought to balance two competing interests: that of broadcast networks, which are economically motivated to ensure that their programming appeals to a nationwide audience and is carried broadly by affiliates; and that of local network affiliates, which are economically motivated to attract viewers and advertising dollars by tailoring their programming to local audiences.

42. In the context of this network-affiliate model, we seek comment on whether, by virtue of the Dual Network Rule, having four independently owned networks remains necessary in the public interest to preserve or promote localism. For example, as some commenters have suggested, would repealing or modifying the rule harm local viewers by strengthening the leverage that Big Four networks exert over their local station affiliates, thereby reducing the power of such affiliates to influence network programming decisions or to act independently and in a manner that best serves their local communities? In addition, does the Dual Network Rule still give leverage to affiliates who may be in a disagreement with their affiliated Big Four network? For example, does having alternative Big Four networks with whom they can seek affiliation give them more bargaining power if they came to a

negotiating impasse regarding the terms of their affiliation? What, if any, recent marketplace developments argue in favor of preserving or altering the Dual Network Rule as a necessary check on the ability of Big Four networks to exercise undue power over their affiliates in a way that harms consumers? To what extent has compensation paid by local affiliates to their affiliated Big Four networks (via reverse compensation or otherwise), an issue relevant to our assessment of the networks' present bargaining leverage, increased since our last quadrennial review? How, if at all, do the Big Four networks, or affiliation with the Big Four networks, provide support (economic or otherwise) for the network-affiliate model that has traditionally underpinned broadcast television and fostered a balance between national and local programming carried by local affiliates? To what extent, if at all, would other, existing network affiliation rules serve to maintain an adequate balance between the networks and their affiliates in the absence of the Dual Network Rule?

43. We also seek comment on whether, and if so how, the rise of online video distribution platforms in recent years has altered the traditional network-affiliate relationship. As noted above, consumer access to online video distributors is now largely ubiquitous, and this development has enabled broadcast networks, including Big Four networks, to achieve widespread distribution of program content without relying on their local network affiliates. To what extent, if at all, has the ability of broadcast networks to bypass local affiliates as vehicles for content distribution tilted the balance of bargaining power in favor of broadcast networks? How has this development, or other marketplace developments, affected local network affiliates and consumers? Are there examples of online video distribution platforms partnering with local broadcasters? What are the implications of such developments for the Dual Network Rule and its localism rationale?

44. To the extent commenters assert that marketplace developments justify revising the Dual Network Rule, we seek comment on what specific changes to the rule are warranted and why. Should the Commission consider revising the list of networks subject to the Dual Network Rule? Parties advocating for repeal of the Dual Network Rule should explain how, if at all, antitrust or other statutes, rules, or policies would serve as an adequate backstop to prevent a single owner of two or more Big Four

networks from engaging in conduct detrimental to the public interest. How, if at all, would such a review account for public interest benefits, such as increased technical innovation or improved programming?

Procedural Matters

45. *Ex Parte Rules—Permit-But-Disclose.* The proceeding that this Notice of Proposed Rulemaking initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). In proceedings governed by § 1.49(f), or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the Commission’s Electronic Comment Filing System (ECFS) available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

46. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice-and-comment rulemakings, unless the agency certifies that “the rule

will not, if promulgated, have a significant economic impact on a substantial number of small entities.” Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning potential rule and policy changes contained in this *Notice of Proposed Rulemaking*. The IRFA is set forth in the Appendix. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the *Notice of Proposed Rulemaking* indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

Initial Regulatory Flexibility Analysis

47. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Act Analysis (IRFA) of the policies and rules proposed in the Notice of Proposed Rulemaking (*NPRM*) assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *NPRM*. The Commission will send a copy of the *NPRM*, including this IRFA, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy. In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objective of, the Proposed Rules

48. Every four years, the Commission is required by statute to review its media ownership rules to determine whether they “are necessary in the public interest as the result of competition.” In the *NPRM*, the Commission seeks review of these rules and considers possible changes when necessary. As part of the process of examining its media ownership rules, the Commission must consider whether they continue to serve the public interest or, alternatively, whether they should be modified or eliminated. Specifically, the *NPRM* examines three media ownership rules: (1) the Local Radio Ownership Rule; (2) the Local Television Ownership Rule; and (3) the Dual Network Rule. The Local Radio Ownership Rule limits the number of radio stations an entity may own within the same local market. In the *NPRM*, the Commission seeks comment on whether

the Local Radio Ownership Rule remains necessary in the public interest as the result of competition, and if not, whether to modify or eliminate part or all of the rule. The Local Television Ownership Rule limits the number of full power television stations an entity may own within the same local market. In the *NPRM*, the Commission seeks comment on whether the Local Television Ownership Rule is necessary in the public interest as the result of competition. In the event that the Commission concludes that the existing Local Television Ownership Rule is no longer necessary, the *NPRM* seeks comment on whether to revise or eliminate the rule. Finally, the Dual Network Rule seeks to encourage licensees to focus on local issues and maintain a balance between nationally-focused broadcast networks and their local affiliates by effectively prohibiting a merger between or among any of the Big Four networks (ABC, CBS, Fox, and NBC). The Commission seeks comment from interested parties on its proposed approaches to these media ownership rules, ideas or proposals for how to modify the rules, as well as how to measure or balance associated costs and benefits. Lastly, the Commission seeks comments reflecting alternative approaches, and ways to reduce costs associated with these approaches, especially as it relates to small entities.

B. Legal Basis

49. The proposed action is authorized pursuant to sections 1, 2(a), 4(i), 257, 303, 307, 309, 310, and 403 of the Communications Act of 1934, as amended, and section 202(h) of the Telecommunications Act of 1996.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

50. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act (SBA). A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

51. Our actions, over time, may affect small entities that are not easily

categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions. In general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9 percent of all businesses in the United States, which translates to 34.75 million businesses. Next, “small organizations” are not-for-profit enterprises that are independently owned and operated and not dominant their field. While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, “small governmental jurisdictions” are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand. Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

52. *Radio Stations.* This industry is comprised of establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA small business size standard for this industry classifies firms with annual receipts of \$47 million or less as small. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of those firms, 2,837 had revenue less than \$47 million. Further, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on July 8, 2025, commercially licensed AM and FM radio stations totaled 10,962. Of those stations, 10,961 were considered small firms. Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry and BIA data, we conclude that the adopted rules will impact a substantial number of small entities.

53. *Television Broadcasting.* This industry comprises establishments primarily engaged in broadcasting images together with sound. These establishments operate television broadcasting studios and facilities for the programming and transmission of programs to the public. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA small business size standard for this industry classifies firms with annual receipt of \$47 million or less as small. U.S. Census Bureau data for 2017 show that there were 744 firms in this industry that operated for

the entire year. Of those firms, 657 had revenue less than \$47 million. Additionally, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on July 8, 2025, commercially licensed television stations totaled 1,384. Of those stations, 1,289 were considered small firms. Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry and BIA data, we conclude that the adopted rules will impact a substantial number of small entities.

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities.

54. The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.

55. The *NPRM* seeks comment regarding the Commission’s media ownership rules and possible changes to these rules. Any changes to these media rules, if ultimately adopted, may require the modification of current FCC broadcast license application forms and their instructions. The Commission also would modify, as necessary, other forms that include in their instructions the media ownership rules or citations to media ownership proceedings. While small and other entities would be required to make any changes resulting from the adoption of proposed rules, we do not anticipate that compliance would require the expenditure of any additional resources, the hiring of consultants or other professionals, or place additional burdens on small businesses, as they would already be familiar with using these forms. However, we encourage small entities to comment on any potential economic hardship or compliance burdens they may experience as a result of any proposed rules in this proceeding, should they be adopted.

56. We further note that the Commission expects the comments it receives and the matters discussed in the *NPRM* to include information addressing costs, benefits, and other matters of concern for small entities, which should help the Commission identify and better evaluate compliance costs, and relevant issues for small entities before adopting final rules.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities.

57. The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.

58. As discussed above, in the *NPRM*, the Commission begins its statutorily mandated review of whether the three remaining media ownership rules remain in the public interest as a result of competition, consistent with the instruction of section 202(h). As part of this review, the Commission seeks comment on alternatives to the proposed rules that could minimize potential economic impact on small entities that might be affected by any proposed rule changes, should they be adopted, as well as any other rule changes that may ultimately be required as the result of comments provided by interested parties.

59. For the Local Radio Ownership Rule, the Commission considers whether to continue to consider only local broadcast radio stations for purposes of the rule, or whether to revise the analysis to include such non-broadcast audio sources as satellite radio, audio streaming services, webcasting, podcasting, or other platforms as substitutes for broadcast radio. Alternatively, in the *NPRM*, the Commission considers whether circumstances have changed enough to relax or eliminate the rule altogether. The *NPRM* also takes into account whether the existing market size tiers and limits on the number of stations an entity may own are appropriately set and if the limits are reducing the number of competitors in the market. In

the alternative, we consider various options, ranging from new or different market size tiers to using other metrics such as population to define the tiers. We seek comment on the constituent parts of the rule and whether the rule adequately serves consumers in today's radio marketplace.

60. For the Local Television Ownership Rule, the Commission considers whether the rule should be changed to reflect prior comments stating that due to the large number of video programming options available to the public, non-broadcast video entities could replace broadcast content and local news specifically. Alternatively, we consider the possibility of retaining the rule, particularly if non-broadcast video entities are found to provide little or no local news and other local content. In addition, the Commission considers whether to expand the market definition to include non-broadcast video entities or to retain the existing definition. We consider whether to modify the current rule to change the number of stations a single entity is permitted to own in a local market, or to maintain the status quo if such a determination would limit the ability of smaller stations to compete in the market. The Commission seeks comment on whether circumstances have changed enough to relax or eliminate the rule altogether.

61. Finally, the Commission considers the use of alternative metrics for the Dual Network Rule. Specifically, the *NPRM* considers whether ratings or other metrics would better reflect the nature and scope of competition by or among the Big Four networks, as well as ways to think about or analyze effects from that competition, as opposed to assessing the Big Four's participation in the marketplace via the aggregation and distribution of a collection of programming intended for large, national audiences and by selling blocks of advertising time to entities wishing to target ads to large, national audiences. The Commission also considers whether there is enough of a meaningful disparity between the net advertising revenues of the Big Four networks and other broadcast and cable networks, some of which are small entities, to warrant either a change to the rule, or to retain the status quo. Lastly, the Commission considers whether

circumstances have changed enough to relax or eliminate the rule altogether or if the rule should remain as it currently stands. We seek comment from small and other entities on all of these proposals.

62. The *NPRM* proposes no new reporting requirements, performance standards or other compliance obligations, although, as discussed above, it may modify, as necessary, certain existing forms should it adopt any changes to its media ownership rules. Should the Commission ultimately adopt changes to its media ownership rules that could increase requirements or compliance burdens for small entities, it will determine whether possible exemptions, waiver opportunities, extended compliance deadlines, or other measures would mitigate any potential impact on small entities.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

63. None.

Ordering Clauses

64. *It is ordered* that, pursuant to sections 1, 2(a), 4(i), 257, 303, 307, 309, 310, and 403 of the Communications Act of 1934, as amended, and section 202(h) of the Telecommunications Act of 1996, this Notice of Proposed Rulemaking is *adopted*.

65. *It is further ordered* that, pursuant to §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments on the Notice of Proposed Rulemaking in MB Docket No. 22–459 on or before thirty (30) days after publication in the **Federal Register** and reply comments on or before sixty (60) days after publication in the **Federal Register**.

66. *It is further ordered* that the Commission's Office of the Secretary *shall send* a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for the Small Business Administration Office of Advocacy.

Federal Communications Commission.

Marlene Dortch,
Secretary.

[FR Doc. 2025–20001 Filed 11–14–25; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 90, No. 219

Monday, November 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 AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and approval under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by December 17, 2025 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Industry Response to Noncompliance Records.

OMB Control Number: 0583–0146.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat and poultry products are safe, wholesome, and properly labeled. If FSIS in-plant personnel discover non-compliances with regulatory requirements they issue Noncompliance Records (NRs). Establishment management then can respond in writing.

Need And Use of the Information: FSIS Form 5400–4 serves as FSIS's official record of noncompliance with one or more regulatory requirements. Inspection program personnel use the forms to document their findings and provide written notification of the establishment's failure to comply with regulatory requirement(s). The establishment management receives a copy of the form and has an opportunity to respond in writing using the Noncompliance Record form. Response by the establishment's management is voluntary.

Description of Respondents: Business or other for-profit.

Number of Respondents: 7,057.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 13,996.

Food Safety and Inspection Service

Title: Certificate of Medical Examination.

OMB Control Number: 0583–0167.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 *et seq.*). These statutes mandate that FSIS protect the public by

ensuring that meat, poultry, and egg products are safe, wholesome, and properly labeled.

FSIS uses the form titled Certificate of Medical Evaluation (FSIS 4339–1) to collect information to determine whether an applicant for an FSIS Food Inspector, Consumer Safety Inspector, or Veterinary Medical Officer in-plant position meets the Office of Personnel Management (OPM) approved medical qualification standards. FSIS employees ask their health care providers to complete the FSIS Form Medical Documentation for Employee's Reasonable Accommodation Request (FSIS 4306–5) if they apply for a reasonable accommodation.

Need and USE of the Information: FSIS collects certificates of medical examination to determine whether an applicant for a Food Inspector, Consumer Safety Inspector, or Veterinary Medical Officer in-plant position meets the Office of Personnel Management (OPM)-approved medical qualification standards for the position. This form, Certificate of Medical Evaluation (FSIS 4339–1), ensures accurate collection of the required data. The OPM-approved medical qualification standards apply only to positions in FSIS, not positions in other Federal agencies.

When requesting that applicants for the positions listed above undergo the medical examination, a representative from FSIS notifies the applicants in writing of the reasons for the examination, the process, and the consequences of the failure to report for an examination or provide medical documentation. Any physical condition which would hinder an individual's full, efficient, and safe performance of his or her duties is considered disqualifying for employment, except when convincing evidence is presented that the individuals can perform the essential functions of the job efficiently and without hazard to themselves or others.

FSIS uses the FSIS Form 4306–5, "Medical Documentation for Employee's Reasonable Accommodation Request," to help determine whether the Agency will provide reasonable accommodation to qualified individuals. In accordance with the Rehabilitation Act of 1973 and the Americans with Disabilities Act Amendments Act of 2008, FSIS makes

reasonable accommodations for the known physical or mental limitations of qualified individuals with disabilities, unless the accommodation would impose an undue hardship on the operation of FSIS. FSIS requires medical information from a health care provider to determine whether the person's condition rises to the level of disability under the law and to determine whether the limitations can be effectively accommodated.

Description of Respondents:

Individuals or households.

Number of Respondents: 1,250.

Frequency of Responses:

Recordkeeping; Reporting: On occasion.

Total Burden Hours: 1,542.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2025-19976 Filed 11-14-25; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF321]

New England 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 New England Fishery Management Council (Council) will hold a 3-day hybrid meeting with both in-person and webinar participation options to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held Tuesday, Wednesday, and Thursday, December 2–4, 2025, beginning at 10:30 a.m. on Tuesday, December 2 and at 9 a.m. on Wednesday, December 3 and Thursday, December 4.

ADDRESSES: The meeting will be held at the Newport Harbor Hotel and Marina, 49 Americas Cup Avenue, Newport, RI 02840; telephone (401) 847-9000; online at <https://www.newporthotel.com/>. Webinar registration information will be posted on the Council's December 2025 meeting web page at <https://www.nefmc.org/calendar/december-2025-council-meeting>.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New

England Fishery Management Council; telephone: (978) 465-0492, ext. 113.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, December 2, 2025

The Council Meeting will begin with introductions and announcements by Council Chair Daniel Salerno followed by reports from the Council Chair and Executive Director, the Greater Atlantic Regional Fisheries Office (GARFO), NOAA General Counsel, the Northeast Fisheries Science Center (NEFSC), the Mid-Atlantic Fishery Management Council (MAFMC), the Atlantic States Marine Fisheries Commission (ASMFC), the U.S. Coast Guard, NOAA Enforcement, Northwest Atlantic Fisheries Organization and the International Commission for the Conservation of Atlantic Tunas report.

After returning from lunch the Council will then review NOAA guidance to councils on financial disclosure and voting recusals followed by an update on status of regional capacity for science and management support.

The Council will then receive a 2025 Monitoring Report from the Whiting Committee as well as a review of the 2024 whiting fishery.

They will then hear an update from MAFMC regarding Spiny Dogfish Committee. Discussion will be on Framework Including Accountability Measures Modifications and 2026–2027 Specifications: (1) review recommendations from the Mid-Atlantic Scientific and Statistical Committee (SSC), Monitoring Committee, AP, staff, and Joint Committee; (2) review the MAFMC's adopted alternatives; (3) select preferred alternatives and Council final action.

The council will adjourn for the day at 5 p.m. At 6 p.m. they will host a public outreach session in the hotel to encourage informal discussions between Council members, staff, industry representatives, and members of the public. All are welcome to attend.

Wednesday, December 3, 2025

Wednesday will open with Update on the status of the Council's revised Risk Policy and activities of the Risk Policy Working Group.

There will then be a presentation on SSCs overfishing limit (OFL) and acceptable biological catch (ABC) recommendations for Atlantic sea scallops.

The Council will then receive a report from the Scallop Committee regarding Framework 40: final action on 2026

fishery specifications, 2027 default specifications, and other measures; presentation of final report of the Scallop Strategic Plan and Council approval.

Returning from lunch break will be a review from the Transboundary Management Guidance Committee. Specifically review, discuss, and approve TMGC recommendations for 2026 total allowable catches (TACs) for three shared U.S./Canada groundfish resources on Georges Bank—Eastern Georges Bank cod, Eastern Georges Bank haddock, and Georges Bank yellowtail flounder.

The Council will receive a presentation from the SSC on OFL and ABC recommendations for Acadian redfish, white hake, winter flounder, yellowtail flounder, Georges Bank cod, and Georges Bank haddock.

Last agenda item for Wednesday is from the Groundfish Committee on Framework Adjustment 72: final action to set specifications for several groundfish stocks for fishing years 2026–2030, U.S./Canada TACs for 2026, and other management measures.

Thursday, December 4, 2025

Thursday opens with update on development of the Council's Holistic Strategic Plan initiative.

The Council will have open period for public comment on issues not listed on the agenda.

The council will then take final action on the 2026 Council Priorities for all fishery management plans and other Council responsibilities.

Then there will be Planning updates: 2025 Council Priorities status, IRA Initiatives, action timelines, and other activities.

The meeting will conclude with any other business and adjourn at noon.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: November 13, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025-20022 Filed 11-14-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[RTID 0648–XF319]****North Pacific Fishery Management Council; Public Meeting**

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

ACTION: Notice of hybrid conference. Meetings of the North Pacific Fishery Management Council and its advisory committees.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will meet on Monday, December 1, 2025, through Tuesday, December 9, 2025.

DATES: The Council's Scientific and Statistical Committee (SSC) will begin at 8 a.m. on Monday, December 1, 2025, and continue through Wednesday, December 3, 2025. The Council's Advisory Panel (AP) will begin at 8 a.m. on Tuesday, December 2, 2025, and continue through Friday, December 5, 2025. The Charter Halibut Management Committee will meet on December 3, 2025, from 2 p.m. to 6 p.m. The Executive/Finance Committee will meet on December 3, 2025, from 1 p.m. to 4 p.m. The Council will begin at 8 a.m. on Thursday, December 4, 2025, and continue through Tuesday, December 9, 2025. All listed times are Alaska Time.

ADDRESSES: The meetings will be a hybrid conference. The in-person component of the meeting will be held at the Egan Center, 555 W 5th Ave, Anchorage, AK 99501, or join the meeting online through the links at <https://www.npfmc.org/current-or-next-council-meeting/>.

Council address: North Pacific Fishery Management Council, 1007 W 3rd Ave, Anchorage, AK 99501–2252; telephone: (907) 271–2809. Instructions for attending the meeting via video conference are given under the connection information below.

FOR FURTHER INFORMATION CONTACT: Diana Evans, Council staff; email: devans@npfmc.org; telephone: (907) 271–2809. For technical support, please contact our Council administrative staff, email: support@npfmc.org.

SUPPLEMENTARY INFORMATION:**Agenda**

Monday, December 1, 2025, Through Wednesday, December 3, 2025

The SSC agenda will include the following issues:

- (1) Administrative Issues.
- (2) Contextual information supporting groundfish harvest specifications.
- (3) GOA Groundfish harvest specifications.
- (4) BSAI Groundfish specifications.
- (5) BSAI Crab specifications.

The agenda is subject to change, and the latest version will be posted at <https://meetings.npfmc.org/Meeting/Details/3109> prior to the meeting, along with meeting materials.

In addition to providing ongoing scientific advice for fishery management decisions, the SSC functions as the Council's primary peer review panel for scientific information, as described by the Magnuson-Stevens Act section 302(g)(1)(e), and the National Standard 2 guidelines (78 FR 43066). The peer-review process is also deemed to satisfy the requirements of the Information Quality Act, including the OMB Peer Review Bulletin guidelines.

Tuesday, December 2, 2025, Through Friday, December 5, 2025

The Advisory Panel agenda will include the following issues:

- (1) Administrative Issues.
- (2) NSRKC Participation Discussion Paper.
- (3) Crab Arbitration.
- (4) Crab C-Shares.
- (5) EFH 5-year Review Workplan.
- (6) Contextual Information Supporting Groundfish Harvest Specifications.
- (7) GOA Groundfish Harvest Specifications.
- (8) BSAI Groundfish Specifications.
- (9) BSAI Crab Specifications.
- (10) 2025 Charter Halibut Annual Management Measures.
- (11) Staff Tasking.

The agenda is subject to change, and the latest version will be posted at <https://meetings.npfmc.org/Meeting/Details/3108> prior to the meeting, along with meeting materials.

Wednesday, December 3, 2025

Charter Halibut Management Committee Agenda

The Charter Halibut Management Committee agenda will include (a) 2026 management measures; and (b) other

business. The agenda is subject to change, and the latest version will be posted at <https://meetings.npfmc.org/Meeting/Details/3104> prior to the meeting, along with meeting materials.

Executive/Finance Committee Agenda

The Council's Executive/Finance Committee will meet in Executive Session to discuss internal administrative issues.

Thursday, December 4, 2025, Through Tuesday, December 9, 2025

The Council agenda will include the following issues. The Council may take appropriate action on any of the issues identified.

- (1) Approve Agenda.
- (2) B Reports (Executive Director [including BS Pollock Industry Dynamic Spatial Closure Measures for 2026, IRA update], NMFS Management Report [including Final 2025 Annual Deployment Plan, NMFS Chief Scientist report], NOAA General Counsel [GC], Alaska Fisheries Science Center [AFSC], NOAA Enforcement, Alaska Department of Fish and Game [ADF&G], United States Coast Guard [USCG], United States Fish and Wildlife Service [USFWS], Advisory Panel, Scientific and Statistical Committee).
- (3) Crab Arbitration.
- (4) Crab C-Shares.
- (5) Contextual Information Supporting Groundfish Harvest Specifications.
- (6) GOA Groundfish Harvest Specifications.
- (7) BSAI Groundfish Specifications.
- (8) BSAI Crab Specifications.
- (9) 2025 Charter Halibut Annual Management Measures.
- (10) NSRKC Participation Discussion Paper.
- (11) EFH 5-year Review Workplan.
- (12) Staff Tasking.

The agenda is subject to change, and the latest version will be posted at <https://meetings.npfmc.org/Meeting/Details/3108> prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smartphone, or by phone only. Connection information will be posted online at: <https://www.npfmc.org/current-or-next-council-meeting>. For technical support please contact our administrative staff, email: support@npfmc.org.

Public Comment

Public comment letters will be accepted and should be submitted electronically through the eAgenda at <https://meetings.npfmc.org/Meeting/Details/3108>. The Council strongly encourages written public comment for this meeting to avoid any potential for technical difficulties to compromise oral testimony. The written comment period is open from November 7, 2025, to November 28, 2025, and closes at 12 p.m. Alaska Time on Friday, November 28, 2025.

Although other non-emergency issues not on the agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically listed 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 Council's intent to take final action to address the emergency.

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

Dated: November 13, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–20021 Filed 11–14–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XF318]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of public hearings and request for comment.

SUMMARY: The Mid-Atlantic Fishery Management Council will hold five public hearings (one in-person, four webinars) and accept written comments regarding an action to revise Essential Fish Habitat designations.

DATES: The hearings will be held between Tuesday, December 2, 2025 and Tuesday, February 3, 2026. Written comments must be received by Wednesday, February 11, 2026. See

SUPPLEMENTARY INFORMATION for details,

including the dates and times for all hearings.

ADDRESSES:

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; <https://www.mafmc.org>.

Written comments may be submitted to:

- *Email to:* jcoakley@mafmc.org (use subject “EFH Amendment”).

- *Via webform at:* <https://www.mafmc.org/comments/efh-amendment>.

- *Mail to:* Chris Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901. Mark the outside of the envelope “EFH Amendment.”

FOR FURTHER INFORMATION CONTACT:

Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Council will hold five public hearings and accept written comments regarding an action to revise Essential Fish Habitat designations for 14 of the Council's managed fish species.

Hearing 1—Webinar: Tuesday, December 2, 2025. 6 p.m. until 8 p.m.

Hearing 2—Webinar: Tuesday, December 9, 2025. 6 p.m. until 8 p.m.

Hearing 3—Webinar: Tuesday, January 6, 2026. 6 p.m. until 8 p.m.

Hearing 4—Webinar: Tuesday, January 13, 2026. 6 p.m. until 8 p.m. and,

Hearing 5—In person: Tuesday, February 3, 2026. 6:30 p.m. until 9 p.m. Westin Crystal City, 1800 Richmond Highway, Arlington, VA 22202.

More specific details for the hearings can be found on the Council's website calendar or at <https://www.mafmc.org/actions/omnibus-efh-amendment>.

Written comments are accepted at the hearings or via the submission methods described above until Wednesday, February 11, 2026.

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden, (302) 526–5251 at least 5 days prior to the meeting date.

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

Dated: November 13, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–20024 Filed 11–14–25; 8:45 am]

BILLING CODE 3510–22–P

U.S. INTERNATIONAL DEVELOPMENT FINANCE CORPORATION**Notice of Public Hearing**

AGENCY: U.S. International Development Finance Corporation.

ACTION: Announcement of public hearing.

SUMMARY: The Board of Directors of U.S. International Development Finance Corporation (DFC), in accordance with the Better Utilization of Investments Leading to Development (BUILD) Act of 2018, will hold a public hearing to provide an opportunity for stakeholders to present their views. Those wishing to attend, present at, or submit a written statement to the Board prior to the public hearing must provide advance notice to the agency as detailed below.

DATES: 1:00 p.m. EST, Monday, December 15, 2025

ADDRESSES: The public hearing will take place virtually. Access information will be provided at the time of attendee registration.

Registration: To attend, present at, or submit a written statement to the Board prior to the public hearing, individuals must notify DFC Corporate Secretary Heather Carroll at corporate.secretary@dfc.gov by 5:00 p.m. EST, Monday, December 8, 2025.

Notices of intent to attend or present at the public hearing must include the individual's name, title, organization, address, email address, phone number, and a concise summary of the subject matter to be presented. Oral presentations may not exceed five minutes and may be reduced proportionately, if necessary, to afford all participants an opportunity to be heard.

Written statements submitted to the Board prior to the public hearing must include the individual's name, title, organization, address, email address, and phone number. Statements must be typewritten, double-spaced, and less than ten pages in length.

Lisa Wischkaemper,

Administrative Counsel, Office of the General Counsel.

[FR Doc. 2025–19922 Filed 11–14–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Combined Notice of Filings #1**

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1841–038; ER15–1925–030; ER15–2582–022; ER16–91–027; ER16–632–027; ER16–1672–030; ER16–2190–028; ER16–2191–028; ER16–2453–029; ER17–804–009; ER17–2152–025; ER18–1863–019; ER18–1978–018; ER15–2676–031; ER19–2461–021; ER19–2901–018; ER20–122–019; ER20–819–021; ER20–820–020; ER20–1769–016; ER20–1980–016; ER20–1987–020; ER20–2049–015; ER21–1519–011; ER21–1990–013; ER21–2674–011; ER22–2518–009; ER22–2634–012; ER23–71–007; ER23–568–011; ER22–2516–009; ER23–2107–009; ER23–2404–010; ER23–2694–009; ER23–2915–006; ER24–359–009; ER24–2791–004; ER25–1311–003; ER25–1312–001; ER25–1437–002; ER25–1961–003; ER25–1962–003; ER25–2291–001; ER25–2613–001; ER25–3121–002; ER25–3196–001; ER25–3239–001; ER25–3258–001; ER25–3259–001; ER25–3270–002; ER26–42–002; ER26–86–001; ER26–109–001.

Applicants: Chugwater Energy Center, LLC, Blackwell Wind I, LLC, Butler Ridge Wind, LLC, Corby Energy Storage, LLC, Carousel Wind IV, LLC, Carousel Wind III, LLC, Cimarron Wind, LLC, Cabokenze Energy Storage, LLC, Benton Solar, LLC, Buena Vista Energy Center III, LLC, Cherrywood Solar I, LLC, Century Oaks Energy Storage, LLC, Carousel Wind, LLC, Bronson Solar, LLC, Cedar Bluff Wind Energy, LLC, Breckinridge Wind, LLC, Breckinridge Energy Storage, LLC, Crow Creek Solar, LLC, Chesapeake Solar Project, LLC, Cereal City Solar, LLC, Bronco Plains Wind II, LLC, Clearwater Wind II, LLC, Chaves County Solar II, LLC, Big Cypress Solar, LLC, Buena Vista Energy Center, LLC, Buffalo Ridge Wind, LLC, Clearwater Wind I, LLC, Borderlands Wind, LLC, Blackwell Wind Energy, LLC, Cool Springs Solar, LLC, Cedar Springs Wind III, LLC, Cerro Gordo Wind, LLC, Cedar Springs Wind, LLC, Chicot Solar, LLC, Blythe Solar IV, LLC, Blythe Solar III, LLC, Crowned Ridge Interconnection, LLC, Bronco Plains Wind, LLC, Crowned Ridge Wind, LLC, Cedar Bluff Wind, LLC, Casa Mesa Wind, LLC, Coolidge Solar I, LLC, Cottonwood Wind Project, LLC, Coram California Development, L.P., Brady Interconnection, LLC, Brady Wind II, LLC, Brady Wind, LLC, Chaves County

Solar, LLC, Blythe Solar II, LLC, Blythe Solar 110, LLC, Carousel Wind Farm, LLC, Breckinridge Wind Project, LLC, Butler Ridge Wind Energy Center, LLC.

Description: Notice of Change in Status of Adelanto Solar II, LLC, et al.
Filed Date: 11/3/25.

Accession Number: 20251103–5307.

Comment Date: 5 p.m. ET 11/24/25.

Docket Numbers: ER10–1849–038; ER10–1851–023; ER10–1852–120; ER10–1890–034; ER10–1899–026; ER10–1907–037; ER10–1918–038; ER10–1930–023; ER10–1931–024; ER10–1935–026; ER11–2160–034; ER13–1991–040; ER13–1992–040; ER13–752–025; ER10–1857–025; ER18–882–026; ER18–1534–018; ER19–987–025; ER19–1003–025; ER19–1393–025; ER19–1394–025; ER19–2269–014; ER19–2437–021; ER20–1986–015; ER21–1320–015; ER21–1682–010; ER21–1879–010; ER21–2118–015; ER21–2293–015; ER21–2296–014; ER22–381–020; ER22–2706–009; ER23–1541–009; ER23–1542–009; ER23–1543–009; ER23–2321–010; ER24–26–006; ER24–1289–006; ER24–2662–005; ER25–1338–004; ER25–1339–003; ER25–1438–006; ER25–1545–004; ER25–2210–003; ER25–2292–001; ER25–2504–001; ER25–2797–002; ER25–2970–001; ER25–3112–002; ER25–3119–002; ER25–3164–001; ER25–3198–001; ER25–3200–001; ER25–3248–001; ER25–3252–001; ER25–3271–004; ER25–3272–002; ER25–3273–002.

Applicants: Desert Sands Energy Center, LLC, Desert Sands Energy Storage II, LLC, Desert Sands Energy Storage I, LLC, Dry Falls Energy Center, LLC, Dry Land Prairie Energy Storage, LLC, Dothan Solar, LLC, Decatur Energy Storage, LLC, Eloy Valley Energy Center III, LLC, Emmons-Logan Energy Storage, LLC, Forest Trace Solar, LLC, Dusty Rose Wind, LLC, Dodge County Wind, LLC, Dry Lake East Energy Center, LLC, Excelsior Energy Center, LLC, Delta Bobcat Solar, LLC, DG VDH BESS, LLC, Dominguez Grid, LLC, Forgeview Solar, LLC, Flat Fork Solar, LLC, Duane Arnold Solar II, LLC, Decatur Solar Energy Center, LLC, East Point Energy Center, LLC, Dunns Bridge Energy Storage, LLC, Desert Peak Energy Storage II, LLC, Desert Peak Energy Storage I, LLC, Desert Peak Energy Center, LLC, Eight Point Wind, LLC, Dunns Bridge Solar Center, LLC, Ensign Wind Energy, LLC, Fish Springs Ranch Solar, LLC, Dodge Flat Solar, LLC, Farmington Solar, LLC, Elora Solar, LLC, Crystal Lake Wind Energy III, LLC, Day County Wind I, LLC, Emmons-Logan Wind, LLC, Dougherty County Solar, LLC, Endeavor Wind II, LLC,

Endeavor Wind I, LLC, Crystal Lake Wind Energy II, LLC, Crystal Lake Wind Energy I, LLC, East Hampton Energy Storage Center, LLC, Elk City Renewables II, LLC, FPL Energy Cape, LLC, Energy Storage Holdings, LLC, Desert Sunlight 300, LLC, Desert Sunlight 250, LLC, FPL Energy Montezuma Wind, LLC, FPL Energy Wyman IV, LLC, FPL Energy Vansycle, L.L.C., FPL Energy Stateline II, Inc., FPL Energy North Dakota Wind II, LLC, FPL Energy North Dakota Wind, LLC, FPL Energy Illinois Wind, LLC, FPL Energy Green Power Wind, LLC, Florida Power & Light Company, ESI Vansycle Partners, L.P., Elk City Wind, LLC.

Description: Notice of Change in Status of Adelanto Solar II, LLC, et al.

Filed Date: 11/3/25.

Accession Number: 20251103–5308.

Comment Date: 5 p.m. ET 11/24/25.

Docket Numbers: ER15–1418–028; ER10–2005–038; ER15–1883–028; ER10–2005–039; ER18–2118–024; ER19–1073–018; ER20–2179–016; ER21–2294–017; ER21–2304–016; ER22–415–015; ER23–883–007; ER24–817–008; ER25–704–004; ER25–1744–003; ER25–2414–001; ER25–3111–002; ER25–3195–001; ER26–8–001; ER26–85–001.

Applicants: Armadillo Flats Wind Energy, LLC, Anticline Energy Storage, LLC, Amber Meadow Solar, LLC, Amite Energy Storage, LLC, Beaver Creek Solar, LLC, Appleseed Solar, LLC, Amite Solar, LLC, Babbitt Ranch Energy Center, LLC, Bell Ridge Solar, LLC, Arlington Energy Center III, LLC, Arlington Solar, LLC, Arlington Energy Center II, LLC, Baldwin Wind Energy, LLC, Alta Wind VIII, LLC, Armadillo Flats Wind Project, LLC, Adelanto Solar, LLC, Ashtabula Wind II, LLC, Adelanto Solar II, LLC.

Description: Notice of Change in Status of Adelanto Solar II, LLC, et al.

Filed Date: 10/31/25.

Accession Number: 20251031–5417.

Comment Date: 5 p.m. ET 11/21/25.

Docket Numbers: ER26–479–000.

Applicants: AEP Oklahoma Transmission Company, Inc.

Description: § 205(d) Rate Filing: AEPOTC-Kiowa County Project (Great Plains) Interim Maintenance Agreement to be effective 11/1/2025.

Filed Date: 11/10/25.

Accession Number: 20251110–5207.

Comment Date: 5 p.m. ET 12/1/25.

Docket Numbers: ER26–480–000.

Applicants: Duke Energy Florida, LLC.

Description: § 205(d) Rate Filing: DEF–FPL ASSA SA No. 505 to be effective 11/12/2025.

Filed Date: 11/12/25.

Accession Number: 20251112–5031.

Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER26–481–000.

Applicants: Atlas VIII, LLC.

Description: Initial Rate Filing: Atlas VIII, LLC submits tariff filing per 35.12: Application for Market Based Rate to be effective 11/13/2025.

Filed Date: 11/12/25.

Accession Number: 20251112–5081.

Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER26–482–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): Amendment to ISA SA No. 2775; Queue No. AB2–092 to be effective 1/12/2026.

Filed Date: 11/12/25.

Accession Number: 20251112–5134.

Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER26–485–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Notice of Cancellation of GIA, SA No. 7460; Project Identifier No. AGI–482 to be effective 1/12/2026.

Filed Date: 11/12/25.

Accession Number: 20251112–5204.

Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER26–486–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 6710; Queue No. AE2–027 to be effective 1/12/2026.

Filed Date: 11/12/25.

Accession Number: 20251112–5207.

Comment Date: 5 p.m. ET 12/3/25.

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: November 12, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–19949 Filed 11–14–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2187–046]

Public Service Company of Colorado; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 CFR part 380, Commission staff reviewed Public Service Company of Colorado's (PSCo or licensee) application for amendment of license for the Georgetown Project (No. 2187) and have prepared an Environmental Assessment (EA).¹ The licensee is constructing a temporary stream bypass pipeline to divert up to 200 cubic feet per second (cfs) from South Clear Creek around the Forebay Reservoir and Dam, ultimately discharging just downstream of the dam. The bypass pipeline is intended to address dam safety and water quality concerns and support water management efforts. The action would alter how required minimum flows are transported and discharged. The project is located on South Clear Creek near Georgetown, Clear Creek County, Colorado. A portion of the project is located on federal lands administered by the U.S. Forest Service (Forest Service), within the Arapaho National Forest.

The EA contains Commission staff's analysis of the potential environmental

effects of relocating the minimum flow discharge area, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The EA may be viewed on the Commission's website at <http://www.ferc.gov> using the "elibrary" link. Enter the docket number (P–2187) in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

All comments must be filed by December 12, 2025 by 5:00 p.m. Eastern time.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2187–046.

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.

For further information, contact Rebecca Martin at 202–502–6012 or Rebecca.Martin@ferc.gov.

Dated: November 12, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–19971 Filed 11–14–25; 8:45 am]

BILLING CODE 6717–01–P

¹ The unique identification number for documents relating to this environmental review is EAXX–019–20–000–1752151774.

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Combined Notice of Filings**

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26–186–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing; Negotiated Rate Agreement Update (EcoEnergy #612617 Nov 25 Amendment) to be effective 10/1/2025.

Filed Date: 11/12/25.

Accession Number: 20251112–5072.

Comment Date: 5 p.m. ET 11/24/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: November 12, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–19951 Filed 11–14–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Combined Notice of Filings #2**

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1932–025; ER10–1950–038; ER10–1962–034; ER12–1228–039; ER13–2112–029; ER13–81–004; ER14–1494–001; ER14–2447–006; ER15–2101–023; ER15–2477–027; ER15–2601–018; ER16–90–027; ER16–2275–027; ER16–2276–027; ER17–2340–024; ER18–2246–027; ER19–1392–016; ER19–2389–018; ER19–2398–023; ER20–2019–015; ER20–2064–017; ER20–2690–019; ER21–254–012; ER21–1953–017; ER21–2225–015; ER22–1982–014; ER22–2536–012; ER23–2629–009; ER24–827–008; ER24–1816–005; ER24–2512–006; ER24–2513–006; ER24–2514–006; ER25–67–004; ER25–705–004; ER25–796–005; ER25–1232–006; ER25–1527–004; ER25–1872–001; ER25–1873–001; ER25–1874–001; ER25–2252–003; ER25–2690–002; ER25–2749–001; ER25–3113–002; ER25–3114–002; ER25–3118–002; ER25–3122–001; ER25–3165–001; ER25–3166–001; ER25–3217–001; ER25–3245–001; ER25–3265–001; ER25–3274–002; ER25–3275–002.

Applicants: Grace Orchard Solar Interconnection, LLC, Grace Orchard Solar III, LLC, Jackalope Wind, LLC, Highland Solar I, LLC, High Spring Solar Energy, LLC, Harquahala Flats Energy Storage II, LLC, Harquahala Flats Energy Storage, LLC, Garnet Energy Center, LLC, Garden Wind Energy, LLC, Greenlee Solar, LLC, Green Mallard Solar, LLC, Greeley Wind Nebraska, LLC, Key Energy Storage, LLC, Greer Solar, LLC, FRP Miller Solar, LLC, FRP Forest Trail Solar, LLC, FRP Caldwell Solar, LLC, Knox County Wind Farm LLC, Kola Energy Storage, LLC, Jackson Fuller Energy Storage, LLC, Green River Solar, LLC, Grace Orchard Solar II, LLC, FRP Gadsden County Solar, LLC, FRP Columbia County Solar, LLC, FRP Gilchrist County Solar, LLC, High River Energy Center, LLC, Grace Orchard Energy Center, LLC, High Banks Wind, LLC, Kossuth County Wind, LLC, Great Prairie Wind, LLC, Irish Creek Wind, LLC, Heartland Divide Wind II, LLC, Harmony Florida Solar, LLC, Jordan Creek Wind Farm LLC, High Majestic Wind I, LLC, Gray County Wind, LLC, Hancock County Wind, LLC, Grazing Yak Solar, LLC, High Lonesome Mesa Wind, LLC, Heartland Divide Wind Project, LLC, Golden Hills North Wind,

LLC, Kingman Wind Energy II, LLC, Kingman Wind Energy I, LLC, Golden Hills Interconnection, LLC, Green Mountain Storage, LLC, Golden Hills Wind, LLC, Golden West Power Partners, LLC, Granite Reliable Power, LLC, Hatch Solar Energy Center I, LLC, Frontier Utilities New York LLC, Genesis Solar, LLC, High Majestic Wind II, LLC, High Winds, LLC, Garden Wind, LLC, FPL Energy Wyman, LLC.

Description: Notice of Change in Status of Adelanto Solar II, LLC, et al.

Filed Date: 11/3/25.

Accession Number: 20251103–5310.

Comment Date: 5 p.m. ET 11/24/25.

Docket Numbers: ER10–1951–093; ER10–1966–027; ER10–1970–038; ER10–1972–038; ER10–1973–025; ER10–1974–036; ER10–2641–054; ER10–1852–121; ER11–4462–116; ER11–4677–035; ER12–895–037; ER12–2225–026; ER12–2226–026; ER12–2444–033; ER14–21–021; ER14–1630–022; ER14–2138–024; ER14–2707–034; ER14–2710–034; ER15–58–032; ER15–1375–028; ER16–1354–021; ER16–1872–028; ER16–2241–027; ER16–2297–028; ER16–2443–024; ER16–2506–030; ER17–838–090; ER17–1774–016; ER18–772–017; ER18–1535–017; ER18–1771–028; ER18–2003–023; ER18–2066–018; ER18–2182–024; ER19–11–018; ER20–792–017; ER20–1220–019; ER20–1879–020; ER20–1907–016; ER20–1985–015; ER20–1988–016; ER20–2012–013; ER20–2648–016; ER20–2695–019; ER21–183–011; ER21–1880–013; ER21–2117–015; ER21–2149–015; ER21–2699–016; ER23–489–011; ER23–1208–009; ER24–2792–007; ER24–2794–007; ER25–1255–001; ER25–1285–002; ER25–1348–006; ER25–2253–002; ER25–2356–001; ER25–2357–001; ER25–2415–001; ER25–3115–002; ER25–3150–001; ER25–3229–001; ER25–3242–001; ER25–3243–001; ER26–92–001.

Applicants: Panhandle Energy Storage, LLC, Logan Wind, LLC, Limon Wind III Energy, LLC, Okolona Solar, LLC, Mount Vernon Battery Storage, LLC, Manila Solar, LLC, Panama Energy Center, LLC, Northern Divide Energy Storage, LLC, Ninnescah Flats Solar, LLC, Mondu Solar, LLC, New Madrid Solar, LLC, Mammoth Plains Wind, LLC, Palo Duro Wind, LLC, Minco II Energy Storage, LLC, Oliver Wind IV, LLC, North Central Valley Energy Storage, LLC, Neptune Energy Center, LLC, Minco Wind Energy III, LLC, Minco Wind Energy II, LLC, Little Blue Wind Project, LLC, Niyol Wind, LLC, Nutmeg Solar, LLC, Mohave County Wind Farm LLC, Northern Divide Wind, LLC, Orbit Bloom Energy, LLC, Northern Colorado Wind Energy Center

II, LLC, Northern Colorado Wind Energy Center, LLC, Minco Wind I, LLC, Oliver Wind I, LLC, Oliver Wind II, LLC, Oklahoma Wind, LLC, Peetz Logan Interconnect, LLC, Minco IV & V Interconnection, LLC, Minco Wind IV, LLC, Lorenzo Wind, LLC, Langdon Renewables, LLC, Montauk Energy Storage Center, LLC, New Mexico Wind, LLC, NextEra Energy Bluff Point, LLC, NextEra Energy Marketing, LLC, Oliver Wind III, LLC, NextEra Blythe Solar Energy Center, LLC, Osborn Wind Energy, LLC, Ninnescah Wind Energy, LLC, Marshall Solar, LLC, Live Oak Solar, LLC, McCoy Solar, LLC, Palo Duro Wind Interconnection Services, LLC, Palo Duro Wind Energy, LLC, Mammoth Plains Wind Project, LLC, Limon Wind III, LLC, Mantua Creek Solar, LLC, Mountain View Solar, LLC, North Sky River Energy, LLC, Limon Wind, LLC, Limon Wind II, LLC, Minco Wind Interconnection Services, LLC, NextEra Energy Montezuma II Wind, LLC, NEPM II, LLC, Florida Power & Light Company, Oleander Power Project, Limited Partnership, Northeast Energy Associates, A Limited Partnership, NextEra Energy Seabrook, LLC, NextEra Energy Point Beach, LLC, NextEra Energy Duane Arnold, LLC, Logan Wind Energy LLC, NextEra Energy Services Massachusetts, LLC.

Description: Notice of Change in Status of Adelanto Solar II, LLC, et al.
Filed Date: 11/3/25.

Accession Number: 20251103-5309.

Comment Date: 5 p.m. ET 11/24/25.

Docket Numbers: ER11-4678-034; ER12-631-035; ER12-1660-037; ER15-2181-001; ER15-2681-001; ER16-1277-021; ER16-1293-021; ER17-582-026; ER17-583-026; ER17-2270-029; ER18-2032-023; ER18-2091-020; ER19-774-016; ER19-1076-019; ER19-1618-001; ER19-2382-021; ER19-2495-019; ER19-2513-019; ER20-637-017; ER20-780-017; ER20-2070-014; ER20-2237-017; ER20-2597-017; ER20-2622-012; ER21-744-010; ER21-2109-012; ER22-1870-010; ER22-2601-012; ER22-2824-014; ER23-493-011; ER23-854-008; ER23-884-008; ER24-136-011; ER24-818-008; ER24-1287-007; ER24-1288-007; ER24-2802-002; ER24-2848-008; ER25-554-004; ER25-668-006; ER25-819-001; ER25-1315-002; ER25-1340-004; ER25-2358-001; ER25-2416-003; ER25-2505-003; ER25-2506-003; ER25-2646-001; ER25-2651-001; ER25-2688-001; ER25-3015-001; ER25-3116-002; ER25-3120-002; ER25-3123-001; ER25-3149-001; ER25-3202-001; ER25-3244-001; ER25-3247-001; ER25-3256-001; ER25-3277-002; ER25-3278-002.

Applicants: Yellow Pine Solar Interconnect II, LLC, Yellow Pine Solar

III, LLC, Windy Lane Energy Center, LLC, South Platte Solar, LLC, Thunder Wolf II, LLC, Wilsonville Solar, LLC, Valley Farms Energy Center, LLC, Trelina Solar Energy Center, LLC, Three Waters Wind Farm, LLC, Tupelo Brake Solar, LLC, Titan Solar Energy, LLC, Star Light Energy Center, LLC, Wildcat Ranch Wind Project, LLC, Wildcat Ranch Energy Storage, LLC, Weirs Creek Solar, LLC, St. Landry Solar, LLC, Weld Energy Storage, LLC, Steele Flats Energy Storage, LLC, Wildwood Solar, LLC, Willow Creek Wind Project, LLC, Woodward Energy Storage, LLC, Wheatridge East Wind, LLC, Wild Plains Wind Project, LLC, Troutdale Grid, LLC, Steele Flats Wind I, LLC, Washington County Solar, LLC, Wadley Solar, LLC, Yellow Pine Solar II, LLC, Sunlight Storage II, LLC, Sonoran Solar Energy, LLC, Storey Energy Center, LLC, Thunder Wolf Energy Center, LLC, Yellow Pine Solar, LLC, Walleye Wind, LLC, Vansycle II Wind, LLC, Wheatridge Solar Energy Center, LLC, Wallingford Renewable Energy LLC, Wilmot Energy Center, LLC, Soldier Creek Wind, LLC, Weatherford Wind, LLC, Wheatridge Wind II, LLC, Sooner Wind, LLC, Wilton Wind Energy I, LLC, Wilton Wind Energy II, LLC, Wessington Springs Wind, LLC, Story County Wind, LLC, Steele Flats Wind Project, LLC, Windstar Energy, LLC, Stanton Clean Energy, LLC, Titan Solar, LLC, Wildcat Ranch Wind Project, LLC, Stuttgart Solar, LLC, Whitney Point Solar, LLC, Westside Solar, LLC, White Oak Solar, LLC, White Pine Solar, LLC, White Oak Energy LLC, Tuscola Wind II, LLC, Tuscola Bay Wind, LLC, Windpower Partners 1993, LLC, Vasco Winds, LLC.

Description: Notice of Change in Status of Adelanto Solar II, LLC, et al.

Filed Date: 11/3/25.

Accession Number: 20251103-5312.

Comment Date: 5 p.m. ET 11/24/25.

Docket Numbers: ER12-676-027; ER13-2461-030; ER14-2708-035; ER14-2709-032; ER15-1016-027; ER15-2243-025; ER16-1440-028; ER16-1913-018; ER16-2240-028; ER17-196-015; ER18-807-018; ER18-1981-023; ER18-2224-028; ER18-2314-021; ER19-1128-017; ER15-30-032; ER19-2266-014; ER20-1219-015; ER20-1417-016; ER20-1991-017; ER20-2153-013; ER20-2380-014; ER20-2603-017; ER21-1506-011; ER21-1532-011; ER21-1580-016; ER21-2048-017; ER21-2100-016; ER21-2641-010; ER22-96-010; ER23-147-011; ER23-148-011; ER23-853-007; ER23-1862-009; ER24-34-010; ER24-61-007; ER24-2793-007; ER25-109-006; ER25-1062-002; ER25-1314-003; ER25-1317-005; ER25-1349-006;

ER25-1409-002; ER25-1410-002; ER25-1440-003; ER25-2254-003; ER25-2293-003; ER25-2611-001; ER25-2612-001; ER25-3012-001; ER25-3014-001; ER25-3110-002; ER25-3117-002; ER25-3151-001; ER25-3201-001; ER25-3215-001; ER25-3218-001; ER25-3219-001; ER25-3240-001; ER25-3276-002.

Applicants: Roadhouse Energy Storage, LLC, Persica Solar, LLC, Roy Solar, LLC, Pioneer Creek Wind Project, LLC, Saunder's Crossing Energy Storage, LLC, Shortleaf Solar, LLC, Selma Energy Center, LLC, Red Butte Wind, LLC, Rock Creek Solar, LLC, Rush Springs Solar, LLC, Pierce County Energy Center, LLC, Rumble Energy Storage, LLC, Rumble Solar, LLC, Sebree Solar II, LLC, Singer Solar, LLC, Skeleton Creek Energy Center, LLC, Route 66 Energy Storage, LLC, Sky Ranch Energy Storage II, LLC, Sebree Solar, LLC, Mammoth Plains Wind, LLC, Seiling Wind Energy II, LLC, Pluto Energy Storage, LLC, Silver State South Storage, LLC, Ponderosa Wind II, LLC, Sky Ranch Solar, LLC, Proxima Solar, LLC, Roundhouse Renewable Energy II, LLC, Saint Energy Storage II, LLC, Resurgence Solar II, LLC, Resurgence Solar I, LLC, Route 66 Solar Energy Center, LLC, Quinebaug Solar, LLC, Point Beach Solar, LLC, Sac County Wind, LLC, Sky River Wind, LLC, Quitman II Solar, LLC, Shaw Creek Solar, LLC, Skeleton Creek Wind, LLC, Saint Solar, LLC, Sanford Airport Solar, LLC, Ponderosa Wind, LLC, Roundhouse Renewable Energy, LLC, Peetz Table Wind, LLC, Quitman Solar, LLC, Seiling Wind Interconnection Services, LLC, Rush Springs Energy Storage, LLC, Sholes Wind Energy, LLC, Pegasus Wind, LLC, Pratt Wind, LLC, Pinal Central Energy Center, LLC, Pima Energy Storage System, LLC, Rush Springs Wind Energy, LLC, River Bend Solar, LLC, Roswell Solar, LLC, Silver State Solar Power South, LLC, Shafter Solar, LLC, Seiling Wind II, LLC, Seiling Wind, LLC, Pheasant Run Wind, LLC, Perrin Ranch Wind, LLC.

Description: Notice of Change in Status of Adelanto Solar II, LLC, et al.
Filed Date: 11/3/25.

Accession Number: 20251103-5311.

Comment Date: 5 p.m. ET 11/24/25.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or

before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: November 12, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025-19946 Filed 11-14-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7274-035]

Town of Wells, New York; Notice of Reasonable Period of Time for Water Quality Certification Application

On September 25, 2025, the New York State Department of Environmental Conservation (New York DEC) submitted to the Federal Energy Regulatory Commission (Commission) notice that it received a request for a Clean Water Act Section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from the Town of Wells, New York, in conjunction with the above captioned project, on September 25, 2025. Pursuant to the Commission's regulations,¹ we hereby notify the New York DEC of the following:

Date of Receipt of the Certification Request: September 25, 2025.

Reasonable Period of Time to Act on the Certification Request: One year (September 25, 2026).

If the New York DEC fails or refuses to act on the water quality certification request on or before the above date, then

the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: November 12, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025-19972 Filed 11-14-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #3

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER25-3224-000.
Applicants: PacifiCorp.

Description: PacifiCorp submits Average System Cost Filing for Sales of Electric Power to the Bonneville Power Administration, 10/01/2025-09/30/2028.

Filed Date: 8/15/25.
Accession Number: 20250815-5225.
Comment Date: 5 p.m. ET 11/19/25.

Docket Numbers: ER25-3225-000.
Applicants: Avista Corporation.

Description: Avista Corporation submits Average System Cost Filing for Sales of Electric Power to the Bonneville Power Administration, 10/01/2026-09/30/2028.

Filed Date: 8/15/25.
Accession Number: 20250815-5226.
Comment Date: 5 p.m. ET 11/19/25.

Docket Numbers: ER26-484-000.
Applicants: PJM Interconnection, L.L.C.

Description: eTariff Filing.
Filed Date: 11/12/25.

Accession Number: 20251112-5273.
Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER26-487-000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing; Notice of Cancellation of GIA, SA No. 7398; Queue No. AG1-487 to be effective 11/15/2025.

Filed Date: 11/12/25.
Accession Number: 20251112-5211.
Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER26-488-000.
Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing; 2025-11-12 PSC-PSCoES—Rocky Mtn Energy Cntr—Amended LGIA—302 to be effective 11/13/2025.

Filed Date: 11/12/25.
Accession Number: 20251112-5247.
Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER26-489-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing; Original NSA, SA No. 7768; Project Identifier No. AC2-123/AE2-326 to be effective 10/15/2025.

Filed Date: 11/12/25.

Accession Number: 20251112-5277.

Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER26-490-000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing; AEPTX-LCRA TSC (Parker) Facilities Development Agreement to be effective 10/15/2025.

Filed Date: 11/12/25.

Accession Number: 20251112-5308.

Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER26-492-000.

Applicants: Gratiot County Wind LLC.

Description: § 205(d) Rate Filing; Second Amendment to Co-Tenancy and Shared Facilities Agreement to be effective 11/5/2025.

Filed Date: 11/12/25.

Accession Number: 20251112-5323.

Comment Date: 5 p.m. ET 12/3/25.

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.

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¹ 18 CFR 4.34(b)(5)(iii).

Dated: November 12, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–19950 Filed 11–14–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP24–59–002]

WBI Energy Transmission, Inc.; Notice of Request for Extension of Time

Take notice that on November 3, 2025, WBI Energy Transmission, Inc. (WBI Energy) requested that the Commission grant an extension of time, until September 30, 2026, to complete construction and place into service the Elk Basin—Billings Replacement Project (Project) located in Yellowstone County, Montana. On February 23, 2024, the Commission issued a Notice of Request Under Blanket Authorization, which established a 60-day comment period, ending on April 23, 2024, to file protests. No protests were filed during the comment period, and accordingly the project self-implemented on April 24, 2024 and by Rule should have been completed within one year.

On April 29, 2025, the Commission granted WBI Energy an extension of time, until December 31, 2025, to complete construction of the Project and make it available for service.¹

Since that time, WBI Energy has completed a considerable amount of Project work, including: (1) pipeline installation in Sections 1 through 3 including the completion of six guided bores; (2) the majority of aboveground facility work at the North Yellowstone River Valve Setting; (3) completion of the Yost Farm Tap; and (4) the start of facility work at the Monad Station and Streeter Valve Setting. WBI Energy intends to complete the following activities prior to December 31, 2025: (1) facility work at the Monad Station and Streeter Valve Setting; (2) facility work at the Conoco and T&E Valve Settings and the Laurel Town Border Station; and (3) restoration of the pipeline right-of-way including seeding with a cover crop to achieve stabilization.

However, WBI Energy states that difficult boring operations and billboard foundation pilings within the pipeline right-of-way slowed progress during favorable weather conditions. Now, due to the onset of colder weather and

material procurement challenges to complete final tie-in-activities, WBI Energy requests a further extension of time to complete the remaining Project activities, including: (1) facility work at the North Yellowstone River Valve Setting; (2) tie-in of the replacement pipeline and valve settings to WBI Energy's system; (3) abandoning the existing pipeline once tie-ins are complete; and (4) final clean-up and restoration.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on WBI Energy's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,² the Commission will aim to issue an order acting on the request within 45 days.³ The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.⁴ The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act (NEPA).⁵ At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.⁶ The

² Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1).

³ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

⁴ *Id.* at P 40.

⁵ Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

⁶ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

Director of the Office of Energy Projects, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

The Commission strongly encourages electronic filings of comments in lieu of paper using the “eFile” link at <http://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact the Office of Public Participation at (202) 502–6595 or OPP@ferc.gov.

Comment Date: 5:00 p.m. Eastern Time on November 28, 2025.

Dated: November 12, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–19970 Filed 11–14–25; 8:45 am]

BILLING CODE 6717–01–P

¹ *WBI Energy Transmission, Inc.*, Docket No. CP24–59–001 (April 29, 2025) (delegated order).

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OLEM-2018-0105; FRL-12911-01-OLEM]

Agency Information Collection Activities; Proposed Information Collection Request; Comment Request; Oil Pollution Act Facility Response Plans (Renewal), EPA ICR No. 1630.15, OMB Control No. 2050-0135

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR): Oil Pollution Act Facility Response Plans (Renewal) (EPA ICR No. 1630.15, OMB Control No. 2050-0135) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described in **SUPPLEMENTARY INFORMATION**. This is a proposed extension of the ICR, which is currently approved through May 31, 2026. This document allows 60 days for public comments.

DATES: Comments must be submitted on or before January 16, 2026.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OLEM-2018-0105, to: EPA online using <https://www.regulations.gov> (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Christie Torres Rosa, Office of Emergency Management, Mail Code 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566-0121; email address: torres-rosa.christie@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through May 31, 2026. 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.

This document allows 60 days for public comments. Supporting documents, which explain in detail the information that EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at <https://www.regulations.gov> or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566-1744. For additional information about EPA's public docket, visit <https://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** document to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The authority for EPA's facility response plan (FRP) requirements is derived from section 311(j)(5) of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990. EPA's regulation is codified at 40 CFR 112.20 and 112.21 and related appendices. The owner or operator of a facility subject to 40 CFR 112.20 must prepare and submit an FRP to EPA based on the following applicability criteria: (1) The facility transfers oil over water to or from a vessel and has a total storage capacity of greater than or equal to 42,000 gallons; or (2) the facility's total oil storage capacity is greater than or equal to one million gallons and one or more of the following harm factors are met: Insufficient secondary containment for aboveground storage tanks at the facility; a discharge of oil could cause injury to fish and wildlife and sensitive environments; a discharge

of oil could shut down a drinking water intake; the facility has experienced a reportable oil discharge of 10,000 gallons or more in the last 5 years; or other factors considered by the Regional Administrator (see 40 CFR 112.20(a)(2), (b)(1), (f)(1) and (f)(2) for further information).

The purpose of an FRP is to help an owner or operator identify the necessary resources to respond to an oil discharge in a timely manner. If implemented effectively, the FRP will reduce the impact and severity of oil discharges and may prevent discharges because of the identification of risks at the facility. Although the owner or operator is the primary data user, EPA also uses the data in certain situations to ensure that facilities comply with the regulation and to help allocate response resources. State and local governments may use the data, which are not generally available elsewhere, and can greatly assist local emergency preparedness planning efforts. The EPA reviews all submitted FRPs and must approve FRPs for those facilities whose discharges may cause significant and substantial harm to the environment to ensure that facilities believed to pose the highest risk have planned for adequate resources and procedures to respond to oil discharges (see 40 CFR 112.20(f)(3) for further information about the criteria for significant and substantial harm.). No information collected under the FRP rule is expected to be confidential. One of the criteria necessary for information to be classified as "proprietary business information" (40 CFR 2.208) is that a business must show that it has previously taken reasonable measures to protect the confidentiality of the information and that it intends to continue to take such measures. EPA provides no assurances of confidentiality to facility owners or operators when they file their FRPs.

The burden estimates, numbers and types of respondents, wage rates and unit and total costs for this ICR renewal will be revised and updated, if needed, during the 60-day comment period while the ICR Supporting Statement is undergoing review at OMB.

Form numbers: None.

Respondents/affected entities:

Owners or operators of facilities required to have Spill Prevention, Control, and Countermeasure (SPCC) plans under the Oil Pollution Prevention regulation (40 CFR part 112) and that, because of their location, could reasonably be expected to cause substantial harm to the environment.

Respondent's obligation to respond: Mandatory under section 311(j)(5) of the

CWA, as amended by the Oil Pollution Act of 1990.

Estimated number of respondents: 16,752 (total).

Frequency of response: Annual.

Total estimated burden: 321,984 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$17,348,480 (per year), includes \$20,369 annualized capital or operation and maintenance costs.

Changes in estimates: Total estimated costs reflect U.S. Bureau of Labor Statistics labor rates as of May 2024. This estimate is based on EPA's current inventory of facilities that have submitted and are maintaining an FRP. Any change in burden or cost resulting from the 60-day OMB review period will be described and explained in this section when the updated ICR Supporting Statement is completed.

Andrew Baca,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2025-19997 Filed 11-14-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2025-0486; FRL-12870-01-OAR]

EPA Determinations of Compliance and Applicability Under Clean Air Act Section 111, 112, and 129 Dashboard: EPA Formal Responses to Inquiries Concerning Compliance With the Clean Air Act Stationary Source Program (Since May 2019)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This document announces the availability of applicability determinations, alternative monitoring decisions, and regulatory interpretations made by the Environmental Protection Agency (EPA) with regard to the New Source Performance Standards (NSPS); the National Emission Standards for Hazardous Air Pollutants (NESHAP); the Emission Guidelines and Federal Plan Requirements for existing sources; and/or the Stratospheric Ozone Protection Program.

FOR FURTHER INFORMATION CONTACT: For questions about the Clean Air Act (CAA) section 111, 112, and 129 Dashboard or this document, contact Diana Felix, Air Quality Policy Division, Operating Permits Group; telephone number: (919) 541-7627; email address: felix.diana@epa.gov.

An electronic copy of each complete document posted on the CAA section 111, 112, and 129 Dashboard, which contains determinations signed after May 2019, is available on the internet through the Resources and Guidance Documents for Compliance Assistance page of the CAA Compliance Monitoring website under "Air" at: <https://www.epa.gov/complying-air-emissions-standards-stationary-sources/epa-determinations-compliance-and>. All previously issued responses are posted on the Applicability Determination Index (ADI) data system available on the internet through the Resources and Guidance Documents for Compliance Assistance page of the CAA Compliance Monitoring website under "Air" at: <https://www.epa.gov/compliance/resources-and-guidance-documents-compliance-assistance>.

The letters and memoranda on the CAA section 111, 112, and 129 Dashboard may be located by facility name, affected subpart, or by response date and is searchable by string word searches.

SUPPLEMENTARY INFORMATION:

General Information

The General Provisions of the NSPS in 40 Code of Federal Regulations (CFR) part 60 and the General Provisions of the NESHAP in 40 CFR part 61 provide that a source owner or operator may request a determination of whether certain intended actions constitute the commencement of construction, reconstruction, or modification. 40 CFR 60.5 and 61.06. The General Provisions in part 60 also apply to Federal and EPA-approved state plans for existing sources in 40 CFR part 62. *See* 40 CFR 62.02(b)(2). The EPA's written responses to source or facility-specific inquiries on provisions in parts 60, 61 and 62 are commonly referred to as applicability determinations. Although the NESHAP part 63 regulations [which include Maximum Achievable Control Technology (MACT) standards and/or

Generally Available Control Technology (GACT) standards] contain no specific regulatory provision providing that sources may request applicability determinations, the EPA also responds to written inquiries regarding applicability for the 40 CFR part 63 regulations. In addition, the General Provisions in parts 60 and 63 allow sources to seek permission to use monitoring or recordkeeping that is different from the promulgated requirements. *See* 40 CFR 60.13(i), 61.14(g), 63.8(b)(1), 63.8(f), and 63.10(f). The EPA's written responses to these inquiries are commonly referred to as alternative monitoring decisions. Furthermore, the EPA responds to written inquiries about the broad range of regulatory requirements in 40 CFR parts 60 through 63 as they pertain to a whole source category. These inquiries may pertain, for example, to the type of sources to which the regulation applies, or to the testing, monitoring, recordkeeping, or reporting requirements contained in the regulation. The EPA's written responses to these inquiries are commonly referred to as regulatory interpretations.

The EPA previously compiled EPA-issued NSPS and NESHAP applicability determinations, alternative monitoring decisions, and regulatory interpretations, and posted them to the ADI. As of October 2, 2023, the EPA determinations of compliance and applicability under CAA section 111, 112, and 129 will be posted to the CAA section 111, 112, and 129 Dashboard. The CAA section 111, 112, and 129 Dashboard is a data system, accessed via the internet, containing all determinations signed after May 2019.

This document comprises a list of 62 such documents added to the CAA section 111, 112, and 129 Dashboard on June 25, 2025. This document lists the title of each letter and memorandum. Complete copies of these documents may be obtained from the CAA section 111, 112 and 129 Dashboard on the internet through the Resources and Guidance Documents for Compliance Assistance page of the CAA Compliance Monitoring website under "Air" at: <https://www.epa.gov/compliance/resources-and-guidance-documents-compliance-assistance>.

**APPLICABILITY DETERMINATIONS, ALTERNATIVE MONITORING PLANS AND REGULATORY INTERPRETATIONS UPLOADED TO
CAA SECTION 111, 112, AND 129 DASHBOARD ON JUNE 25, 2025**

Facility name	Title	Affected subpart	Date of response
ANR Pipeline Company Sulphur Springs and LaGrange Compressor Stations.	Alternative Monitoring for Stationary Gas Turbines.	40 CFR part 63, subpart YYYY	2025-06-13
Eagle Butte Co-op Incinerator	Applicability Determination for Commercial and Industrial Solid Waste Incineration Units.	40 CFR part 60, subpart CCCC	2025-05-28
Gulf South Pipeline Company, LLC—McComb Compressor Station.	Alternative Monitoring for Stationary Gas Turbines.	40 CFR part 63, subpart YYYY	2025-05-19
North Omaha Station	Performance Test Waiver for Coal- and Oil-Fired Electric Utility Steam Generating Unit.	40 CFR part 63, subpart UUUUU	2025-05-19
Clean Harbors—Kimball NE	Alternative Monitoring for Hazardous Waste Combustors.	40 CFR part 63, subpart EEE	2025-05-14
QSS Biosolids, LLC	Applicability Determination for Sewage Sludge Incineration Units.	40 CFR part 60, subpart LLLL; 40 CFR part 60, subpart CCCC.	2025-05-13
Citgo Corpus Christi East Refinery	Alternative Monitoring for Petroleum Refineries.	40 CFR part 60, subpart Ja	2025-04-25
Heartland Corn Products	Request for Operating Limits/Monitoring Petitions for Stationary Gas Turbines.	40 CFR part 63, subpart YYYY	2025-04-22
Potlatch Deltic Saint Marie's	Regulatory Interpretation for Industrial, Commercial, and Institutional Boilers and Process Heaters.	40 CFR part 63, subpart DDDDD	2025-03-13
Domtar AW LLC—Ashdown AR	Applicability Determination for Kraft Pulp Mills.	40 CFR part 60, subpart BB; 40 CFR part 63, subpart S.	2025-03-10
Birmingham Airport Authority	Applicability Determination for Other Solid Waste Incineration Units.	40 CFR part 60, subpart EEEE	2025-03-10
Duke Energy	Regulatory Interpretation for Stationary Reciprocating Internal Combustion Engines.	40 CFR part 63, subpart ZZZZ	2025-02-27
Dow Chemical—Freeport, TX	Alternative Monitoring for Polymers and Resins.	40 CFR part 63, subpart JJJ	2025-01-08
Arbor Management Specialist	Applicability Determination for Commercial and Industrial Solid Waste Incineration Units.	40 CFR part 60, subpart CCCC	2024-12-10
Shuqualak Lumber Company	Alternative Monitoring for Industrial, Commercial, and Institutional Boilers and Process Heaters.	40 CFR part 63, subpart DDDDD	2024-12-05
Chem Plate Industries	Applicability Determination for Sludge Drying Operation.	40 CFR part 61, subpart E	2024-10-10
Primient Lafayette	Alternative Monitoring for Stationary Gas Turbines.	40 CFR part 63, subpart YYYY	2024-09-26
Kaiser Aluminum Spokane Valley	Regulatory Interpretation for Secondary Aluminum Production.	40 CFR part 63, subpart RRR	2024-09-09
Consumers Muskegon River Compressor Station.	Alternative Operating Limits/Monitoring for Stationary Combustion Turbines.	40 CFR part 63, subpart YYYY	2024-09-05
Oil Energy Systems Inc	Applicability Determination for Other Solid Waste Incineration Units.	40 CFR part 60, subpart EEEE	2024-09-05
Sonoma Ecology Center (SEC)	Applicability Determination for Other Solid Waste Incineration.	40 CFR part 60, subpart EEEE	2024-08-22
Platte Generating Station	Alternative Recordkeeping/Reporting for Coal- and Oil-Fired Electric Utility Steam Generating Unit.	40 CFR part 63, subpart UUUUU	2024-08-22
Cerro Colorado Landfill—City of Albuquerque.	Alternative Monitoring for MSW Landfills.	40 CFR part 60, subpart Cf	2024-08-07
Aurora Energy	Alternative Reporting for Oil and Gas Exploration and Production Operation.	40 CFR part 63, subpart JJJJJ	2024-08-01
Lon D Wright Power Plant	Alternative Reporting and Recordkeeping Requirements for Coal-Fired Power Plant.	40 CFR part 63, subpart UUUUU	2024-08-01
Monarch Ceramic Tile	Applicability Determination for Non-metallic Mineral Processing Plant.	40 CFR part 60, subpart OOO	2024-07-02
North Wake Landfill	Alternative Landfill Gas Flowrate Calculation Procedures for NSWL.	40 CFR part 62, subpart OOO; 40 CFR part 63, subpart AAAA.	2024-07-02
Nebraska City Station and North Omaha Station.	Alternative Recordkeeping and Reporting for MATS.	40 CFR part 63, subpart UUUUU	2024-07-01
Savant Alaska	Alternative Reporting for Oil and Gas Exploration and Production Operation.	40 CFR part 60, subpart OOOOa	2024-07-01

**APPLICABILITY DETERMINATIONS, ALTERNATIVE MONITORING PLANS AND REGULATORY INTERPRETATIONS UPLOADED TO
CAA SECTION 111, 112, AND 129 DASHBOARD ON JUNE 25, 2025—Continued**

Facility name	Title	Affected subpart	Date of response
Enerfin Resources Northwest	Alternative Monitoring for Measurement of VHAP.	40 CFR part 63, subpart HH	2024-06-17
CLECO Brame Energy Center—Madison Units 3-1_3-2.	Performance Test Waiver for Coal- and Oil-Fired Electric Utility Steam Generating Units.	40 CFR part 63, subpart UUUUU; 40 CFR part 63, subpart A.	2024-06-13
ANR Pipeline Sulphur Springs CS	Alternative Operating Limits/Monitoring for Stationary Combustion Turbines.	40 CFR part 63, subpart YYYY	2024-06-04
Brown County South Landfill	Applicability Determination for Municipal Solid Waste.	40 CFR part 60, subpart XXX	2024-05-13
DTE Gas Company—Belle River Mills, Milford, and Willow Run.	Alternative Operating Limits/Monitoring for Stationary Combustion Turbines.	40 CFR part 63, subpart YYYY	2024-05-02
GVEA Healy	Alternative Test Dates for MATS	40 CFR part 63, subpart UUUUU	2024-04-25
BP Pipelines (North America) Inc	Applicability Determination for Petroleum Refinery.	40 CFR part 60, subpart Ja	2024-04-15
Amgen Manufacturing, Limited	Performance Test Extension for Stationary Combustion Turbine.	40 CFR part 60, subpart KKKK:	2024-04-11
Alyeska Valdez Marine Terminal	Applicability Determination for Municipal Waste Combustors.	40 CFR part 63, subpart EEEE; 40 CFR part 63, subpart SS.	2024-04-04
City of Spokane Waste to Energy Facility.	Other: Force Majeure	40 CFR part 60, subpart Eb; 40 CFR part 60, subpart Cb.	2024-04-03
Diversified Vapor Technologies	Alternative Monitoring Plan and Performance Waiver for Petroleum Refineries.	40 CFR part 60, subpart J; 40 CFR part 60, subpart Ja.	2024-03-27
MSU Simon Turbine	Applicability Determination for Stationary Combustion Turbines.	40 CFR part 63, subpart YYYY	2024-03-25
Dow Chemical Plaquemine Operations	Applicability Determination for MON	40 CFR part 63, subpart FFFF	2024-03-18
U.S. Steel—Keetac	Applicability Determination for Ore Processing.	40 CFR part 63, subpart RRRRR	2024-02-26
Consumers Energy's Muskegon River Compressor Station.	Applicability Determination for Stationary Combustion Turbines.	40 CFR part 63, subpart YYYY	2024-02-21
DTE Marietta	Applicability Determination for Stationary Combustion Turbines.	40 CFR part 63, subpart YYYY	2024-02-21
ANR Pipeline Company (ANR) La-Grange Compressor Station.	Applicability Determination for Stationary Combustion Turbines.	40 CFR part 63, subpart YYYY	2024-02-20
Seepex, Inc	Applicability Determination for Nine Metal Fabrication and Finishing Source Categories.	40 CFR part 63, subpart XXXXXX	2024-01-25
Cleveland—Cliffs Minorca Mine Inc	Alternative Monitoring Request for Taconite Iron Ore Processing Units.	40 CFR part 63, subpart RRRRR; 40 CFR part 60, subpart BBa; 40 CFR part 63, subpart MM.	2024-01-19
Applied Gaia B3 Continuous Pyrolysis Machine (Biochar Reactor).	Applicability Determination for the Other Solid Waste Incineration Units.	40 CFR part 60, subpart EEEE	2024-01-09
Corteva Midland Michigan	Applicability Determination Regarding the Distillation of a SOCM-listed Chemical.	40 CFR part 63, subpart F; 40 CFR part 60, subpart VVa; 40 CFR part 63, subpart G.	2023-12-12
DTE Gas Company, Milford Compressor Station.	Alternative Monitoring for Stationary Gas Turbines.	40 CFR part 63, subpart YYYY	2023-12-08
DTE Gas Company, Willow Compressor Station.	Alternative Monitoring for Stationary Gas Turbines.	40 CFR part 63, subpart YYYY	2023-12-08
DTE Gas Company, Belle River Compressor Station.	Alternative Monitoring for Stationary Gas Turbines.	40 CFR part 63, subpart YYYY	2023-12-08
Primary Products Ingredients Americas LLC—Primient South.	Alternative Monitoring for Stationary Gas Turbines.	40 CFR part 63, subpart YYYY	2023-12-08
MSU Simon Power Plant	Alternative Operating Limits/Monitoring for Stationary Combustion Turbines.	40 CFR part 63, subpart YYYY	2023-12-08
Consumers Energy Company—Muskegon River Compressor Station.	Alternative Operating Limits/Monitoring for Stationary Combustion Turbines.	40 CFR part 63, subpart YYYY	2023-11-07
DTE Marietta	Alternative Operating Limits/Monitoring for Stationary Combustion Turbines.	40 CFR part 63, subpart YYYY	2023-11-07
Cottonwood Hills RDF	Other Request for MSW Landfills	40 CFR part 63, subpart AAAA	2023-10-31
DTE Greenwood Energy Center	Applicability Determination for Electric Generating Unit.	40 CFR part 63, subpart DDDDD; 40 CFR part 63, subpart UUUUU.	2023-10-24
Baxter Healthcare of Puerto Rico	Performance Test Extension for Stationary Spark Ignition Internal Combustion Engines.	40 CFR part 60, subpart JJJJ	2023-10-10
Holmes Regional Medical Center	Alternative Testing for Stationary Compression Combustion Engine.	40 CFR part 63, subpart ZZZZ; 40 CFR part 60, subpart IIII.	2023-10-05
Magellan Pipeline Company, L.P.—Osborn Station.	Test Extension Request for Reciprocating Internal Combustion Engine.	40 CFR part 63, subpart ZZZZ	2023-09-18

Panagiotis Tsirigotis,
Director, Office of Air Quality Planning and Standards.
[FR Doc. 2025–19988 Filed 11–14–25; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1222; FR ID 317014]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.” The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before December 17, 2025.

ADDRESSES: Comments should be sent to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Your comment must be submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to PRA@fcc.gov and to Nicole.Ongele@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1222.

Title: Incarcerated People’s Communications Services (IPCS) Provider Annual Reporting, Certification, and Other Requirements, WC Docket Nos. 23–62, 12–375.

Form Number(s): FCC Form 2301(a) and FCC Form 2301(b).

Type of Review: Revision of a currently approved information collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 35 respondents; 43 responses.

Estimated Time per Response: 5–240 hours.

Frequency of Response: Annual reporting and certification reporting requirements, third party disclosure requirements, and on-occasion reporting requirements.

Obligation to Respond: Mandatory. Statutory authority for this collection of information is contained in sections 1, 2, 4(i)–(j), 5(c), 201(b), 218, 220, 225, 255, 276, 403, and 716 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i)–(j), 155(c), 201(b), 218, 220, 225, 255, 276, 403, and 617, and the Martha Wright-Reed Just and Reasonable Communications Act of 2022, Public Law 117–338, 136 Stat. 6156.

Total Annual Burden: 10,565 hours.

Total Annual Cost: No cost.

Needs and Uses: This notice addresses the paperwork burdens associated with the alternate pricing plan rules that the Commission adopted to implement the Martha Wright-Reed Just and Reasonable Communications Act of 2022 (Martha Wright-Reed Act or the Act). That Act expands the Commission’s statutory authority over communications between incarcerated people and the non-incarcerated to include “any audio or video communications service used by inmates . . . regardless of technology used.” The new Act also amends section 2(b) of the Communications Act of 1934, as amended (Communications Act), to make clear that the Commission’s authority extends to intrastate as well as interstate and international communications services used by incarcerated people.

The Act directs the Commission to “promulgate any regulations necessary to implement” it, including the mandate that the Commission establish a “compensation plan” ensuring that all rates and charges for IPCS “are just and reasonable,” not earlier than 18 months and not later than 24 months after the Act’s January 5, 2023 enactment date. Pursuant to that directive, on July 22, 2024, the Commission released the *2024 IPCS Order*, FCC 24–75, 89 FR 77244 (Sept. 20, 2024), which fundamentally reforms the regulation of IPCS in all correctional facilities, regardless of the technology used to deliver these services, and significantly lowers the IPCS rates that incarcerated people and their loved ones will pay.

The *2024 IPCS Order* adopted new rules permitting IPCS providers to offer incarcerated people and their friends and family IPCS via optional “alternate pricing plans,” subject to clearly defined safeguards. To help ensure that consumers who enroll in the plans

benefit from them and that IPCS providers do not use such plans to otherwise evade the Commission's IPCS rules, the Commission required that the plans comply with the general rules applicable to all IPCS in addition to specific consumer protection and disclosure rules for alternate pricing plans. This Notice seeks public comment on whether OMB should approve the paperwork burdens associated with those rules, which will be codified at 47 CFR 64.6140(c) and (d), (e)(2) through (4), and (f)(2) and (4). We are also seeking comment on whether OMB should renew the previously-approved paperwork requirements in this collection. *See* 90 FR 45151 (Sept. 19, 2025).

Federal Communications Commission.

Marlene Dortch,
Secretary.

[FR Doc. 2025–20002 Filed 11–14–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0862; FR ID 316017]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before January 16, 2026. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to nicole.ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0862.

Title: Handling Confidential

Information.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; Federal Government; and State, Local, or Tribal Government.

Number of Respondents and Responses: 2,400 respondents; 2,400 responses.

Estimated Time per Response: 1–2 hours.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 5 U.S.C. 552(b)(4), 18 U.S.C. 1905, and 47 U.S.C. 154(i).

Frequency of Response: On occasion reporting requirement; recordkeeping and third party disclosure requirements.

Total Annual Burden: 4,300 hours.

Total Annual Cost: No Cost.

Needs and Uses: On August 4, 1998, the FCC released a Report and Order (R&O), Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, CG Docket No. 96–55. The R&O included a Model Protective Order (MPO) that is used, when appropriate, to grant limited access to information that the Commission determines should not be routinely available for public inspection. The party granted access to the confidential information materials must keep a written record of all copies made and provide this record to the submitted of the confidential materials upon request.

This approach was adopted to facilitate the use of confidential materials under an MPO, instead of restricting access to materials. In addition, the FCC amended 47 CFR 0.459(b) to set forth the type of information that should be included when a party submits information to the Commission for which it seeks confidential treatment. This listing of types of information to be submitted was adopted to provide guidance to the public for confidentiality requests.

Federal Communications Commission.

Marlene Dortch,
Secretary, Office of the Secretary.

[FR Doc. 2025–19996 Filed 11–14–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Privacy Act of 1974; System of Records

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of modified systems of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Federal Deposit Insurance Corporation (FDIC) proposes to modify all FDIC systems of records to add a new routine use in compliance with new interagency information sharing requirements established in Executive Order 14243, Stopping Waste, Fraud, and Abuse by Eliminating Information Silos. The FDIC also proposes to modify seven FDIC systems of records to add a new routine use to share information with the Department of the Treasury as required by Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse. Finally, the FDIC is modifying two FDIC systems of records titled FDIC–30–64–0014, Personnel Benefits and Enrollment Records, and FDIC–30–64–0021, Fitness Center Records, to make changes required by Executive Order 14168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government. The FDIC is also renumbering certain systems of records to align with a new numbering scheme.

DATES: Written comments should be submitted on or before December 17, 2025. The routine uses in this action will become effective on December 17, 2025.

ADDRESSES: Written comments may be submitted via any of the following methods:

• *Agency Website:* <https://www.fdic.gov/resources/regulations/federal-register-publications>. Follow the instructions for submitting comments on the FDIC website.

• *Email:* Comments@fdic.gov. Include “Comments—SORN Modifications” in the subject line of communication.

• *Mail:* Jennifer M. Jones, Deputy Executive Secretary, Attention: Comments-SORN Modifications, Legal Division, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

• *Public Inspection:* Comments received, including any personal information provided, may be posted without change to <https://www.fdic.gov/resources/regulations/federal-register-publications/>. Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of this document will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act (FOIA).

FOR FURTHER INFORMATION CONTACT: Shannon Dahn, Assistant Director, Privacy Program, 703-516-5500, privacy@fdic.gov.

SUPPLEMENTARY INFORMATION:

Proposal for New Routine Use Pursuant to Executive Order 14243

On March 20, 2025, the President signed Executive Order (E.O.) 14243, Stopping Waste, Fraud, and Abuse by Eliminating Information Silos, which seeks to remove “unnecessary barriers to Federal employees accessing Government data and promoting inter-agency data sharing” to help “eliminat[e] bureaucratic duplication and inefficiency while enhancing the Government’s ability to detect overpayments and fraud.” The E.O. directs agencies to take all necessary steps to “ensure Federal officials designated by the President or Agency Heads . . . have full and prompt access to all unclassified agency records, data,

software systems, and information technology systems . . . for purposes of pursuing Administration priorities related to the identification and elimination of waste, fraud, and abuse. This includes authorizing and facilitating both the intra- and inter-agency sharing and consolidation of unclassified agency records.”

Section 3(b) of E.O. 14243 requires agencies to review their Privacy Act systems of records notices (SORNs) and modify guidance that serves as a barrier to the interagency sharing of unclassified information mandated by the E.O. After conducting a review, the FDIC now proposes to add the following routine use: “To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government’s ability to detect overpayments and fraud.” This notice proposes to modify the “ROUTINE USES” section to add this new routine use to all FDIC SORNs, listed below:

FDIC-30-64-0001, Honors Attorney Applicant Records
FDIC-30-64-0002, Financial Institutions Investigative and Enforcement Records
FDIC-30-64-0003, Administrative and Personnel Action Records
FDIC-30-64-0004, Changes in Financial Institution Control Ownership Records
FDIC-30-64-0005, Consumer Complaint and Inquiry Records
FDIC-30-64-0006, Employee Financial Disclosure Records
FDIC-30-64-0007, FDIC Learning and Development Records
FDIC-30-64-0008, Chain Banking Organizations Identification Records
FDIC-30-64-0009, Safety and Security Incident Records
FDIC-010, Investigative Files of the Office of Inspector General
FDIC-30-64-0011, Corporate Applicant Recruiting, Evaluating, and Electronic Referral Records
FDIC-30-64-0012, Financial Information Management Records
FDIC-013, Financial Institution Resolution and Receivership Records
FDIC-30-64-0014, Personnel Benefits and Enrollment Records
FDIC-30-64-0015, Personnel Records
FDIC-30-64-0016, Professional Qualification Records for Municipal Securities Dealers, Securities Representatives, and U.S. Government Securities Broker/Dealers

FDIC-30-64-0017, Employee Medical and Health Assessment Records
FDIC-30-64-0018, Grievance Records
FDIC-30-64-0019, Potential Bidders List
FDIC-30-64-0020, Telephone Call Detail Records
FDIC-30-64-0021, Fitness Center Records
FDIC-30-64-0022, Freedom of Information Act and Privacy Act Request Records
FDIC-30-64-0023, Affordable Housing Program Records
FDIC-024, Unclaimed Deposit Account Records
FDIC-30-64-0025, Beneficial Ownership Filings
FDIC-30-64-0026, Transit Subsidy Program Records
FDIC-30-64-0027, Parking Program Records
FDIC-30-64-0028, Office of the Chairman Correspondence Records
FDIC-30-64-0029, Congressional Correspondence Records
FDIC-30-64-0030, Legislative Information Tracking System Records
FDIC-30-64-0031, Online Ordering Request Records
FDIC-30-64-0033, Emergency Notification Records
FDIC-30-64-0034, Office of Inspector General Inquiry Records
FDIC-30-64-0035, Identity, Credential, and Access Management Records
FDIC-036, Ensuring Workplace Health and Safety in Response to a Public Health Emergency
FDIC-037, FDI Tech Information
FDIC-038, Failed Insured Depository Institution Research
FDIC-039, E-Rulemaking
FDIC-040, Mailing, Event, and Other Contact Lists
FDIC-041, Personal Information Allowing Network Operations
FDIC-042, Insider Risk Program Records

This notice also modifies the “SYSTEM NAME AND NUMBER” section for only those FDIC System of Records Notices listed above that continue to use the old system number format, which is “FDIC-30-64-####.”

Proposal for New Routine Use Pursuant to Executive Order 14249

On March 25, 2025, the President signed E.O. 14249, Protecting America’s Bank Account Against Fraud, Waste, and Abuse, which recognizes the Treasury Department’s role as the largest financial payment manager of the Federal Government and its responsibility for safeguarding the General Fund. One of the E.O.’s stated objectives is to “enable[e] the Department of the Treasury to more easily conduct improper payment and

fraud prevention screening prior to disbursing funds on behalf of agencies.” The E.O. also mandates that agencies make accessible to the Treasury Department “data necessary for the purposes of detecting and preventing fraud and improper payments, as well as data for payment information verification.” Section 4(d) of E.O. 14249 requires agencies to modify appropriate Privacy Act SORNs to include a routine use that “allows for the disclosure of records to the Department of the Treasury for the purposes of identifying, preventing, or recouping fraud and improper payments, to the extent permissible by law.”

On August 20, 2025, the Office of Management and Budget (OMB) issued guidance to help agencies implement section 4(d) of the E.O. and “to strengthen the Executive Branch’s capacity and flexibility to prevent improper payments while preserving important safeguards under the Privacy Act of 1974.” See OMB Memorandum M–25–32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay. This guidance required agencies to review and identify which of their Privacy Act systems of records maintained information about applicants for or recipients of Federal funds agencies use to make eligibility determinations for payments to beneficiaries, award and loan recipients, vendors, contractors, and other payees, and to determine which of those systems of records should disclose information to the Treasury Department through the Do Not Pay Working System to support the identification, prevention, or recouping of improper payments.

After a review, the FDIC determined the following FDIC systems of records met the criteria outlined in OMB M–25–32 and required the sharing of information with the Treasury Department’s Do Not Pay Working System:

FDIC–30–64–0012, Financial Information Management Records
FDIC–013, Financial Institution Resolution and Receivership Records
FDIC–30–64–0014, Personnel Benefits and Enrollment Records
FDIC–30–64–0015, Personnel Records
FDIC–024, Unclaimed Deposit Account Records
FDIC–30–64–0026, Transit Subsidy Program Records
FDIC–30–64–0027, Parking Program Records

Accordingly, this notice proposes to modify the “ROUTINE USES” section of these SORNs to include a new routine use that reads: “To the U.S. Department

of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.”

Modification to System of Records Pursuant to E.O. 14168

On January 20, 2025, the President signed E.O. 14168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, which establishes the policy of the United States as recognizing two sexes, male and female. It defines various terms such as “sex,” “woman,” and “man,” and mandates their use in Federal policies and documents. E.O. 14168 directs Federal agencies to “use the term ‘sex’ and not ‘gender’ in all applicable Federal policies and documents.” Accordingly, the FDIC is modifying two Privacy Act SORNs that use the term “gender” to substitute the term “sex.” This notice therefore modifies the “CATEGORIES OF RECORDS” section of the following SORNs: FDIC–30–64–0014, Personnel Benefits and Enrollment Records, and FDIC–30–64–0021, Fitness Center Records.

In accordance with 5 U.S.C. 552a(r), the FDIC has provided a report to OMB and to Congress on this notice of modified systems of records.

FDIC–001

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Honors Attorney Applicant Records, FDIC–001.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Legal Division, FDIC, 550 17th Street NW, Washington, DC 20429; and Atlanta Regional Office, FDIC, 10 Tenth Street, Suite 800, Atlanta, Georgia 30309.

SYSTEM MANAGER(S):

Assistant General Counsel, Open Bank Regional Affairs Section, Legal Division, FDIC, 550 17th Street NW, Washington, DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (12) as follows:]

(12) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government’s ability to detect overpayments and fraud.

* * * * *

HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC–002

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Financial Institutions Investigative and Enforcement Records, FDIC–002.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Risk Management Supervision, FDIC, 550 17th Street NW, Washington, DC 20429. Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Director, Division of Risk Management Supervision, FDIC, 550 17th Street NW, Washington, DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (15) as follows:]

(15) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government’s ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019), 86 FR 19619 (Apr. 14, 2021).

FDIC–003

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Administrative and Personnel Action Records, FDIC-003.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Legal Division, Executive Secretary Section, FDIC, 550 17th Street NW, Washington, DC 20429.

SYSTEM MANAGER(S):

Legal Division, Executive Secretary Section, FDIC, 550 17th Street NW, Washington, DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (12) as follows:]

(12) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-004

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Changes in Financial Institution Control Ownership Records, FDIC-004.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Risk Management Supervision, FDIC, 550 17th Street NW, Washington, DC 20429. Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Director, Division of Risk Management Supervision, FDIC, 550 17th Street NW, Washington, DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (12) as follows:]

(12) To Federal agencies, and to those Federal employees designated by the

President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-005

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Consumer Complaint and Inquiry Records, FDIC-005.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Depositor and Consumer Protection, FDIC, 550 17th Street NW, Washington, DC 20429, and FDIC Regional Offices for complaints or inquiries originating within or involving an FDIC-insured depository institution located in an FDIC region. (See www.fdic.gov/about/contact/directory or Appendix A for the location of FDIC Regional Offices.) Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Deputy Director, Consumer and Community Affairs, Division of Depositor and Consumer Protection, FDIC, 550 17th Street NW, Washington, DC 20429, or the Regional Director, Division of Supervision and Consumer Protection for records maintained in FDIC Regional Offices. (See www.fdic.gov/about/contact/directory or Appendix A for the location of FDIC Regional Offices.)

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (14) as follows:]

(14) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-006

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Employee Financial Disclosure Records, FDIC-006.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are located in FDIC Divisions and Offices to which individuals covered by the system are assigned. Duplicate copies of the records are located in the Legal Division, Executive Secretary Section, Ethics Unit, FDIC, 550 17th Street NW, Washington, DC 20429. (See www.fdic.gov/about/contact/directory or Appendix A for the location of FDIC Regional Offices.) Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Ethics Program Manager, Executive Secretary Section, Legal Division, FDIC, 550 17th Street NW, Washington, DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (10) as follows:]

(10) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-007

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

FDIC Learning and Development Records, FDIC-007.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

FDIC Corporate University, 3501 Fairfax Drive, Arlington, VA 22226, and

FDIC Office of Inspector General, 3501 Fairfax Drive, Arlington, VA 22226. Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Assistant Director, Educational Support Services, Corporate University, FDIC, 3501 Fairfax Drive, Arlington, VA 22226; Deputy Assistant Inspector General for Management, Office of Inspector General, FDIC, 3501 Fairfax Drive, Arlington, VA 22226.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (15) as follows:]

(15) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-008

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Chain Banking Organizations Identification Records, FDIC-008.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Risk Management Supervision, FDIC, 550 17th Street NW, Washington, DC 20429, and FDIC Regional Offices. (See www.fdic.gov/about/contact/directory or Appendix A for the location of FDIC Regional Offices.) Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Director, Division of Risk Management Supervision, FDIC, 550 17th Street NW, Washington, DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (12) as follows:]

(12) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-009

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Safety and Security Incident Records, FDIC-009.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

FDIC, Division of Administration, 550 17th Street NW, Washington, DC 20429, and FDIC Regional or area Offices. (See www.fdic.gov/about/contact/directory or Appendix A for the location of FDIC Regional Offices.) Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Chief, Security Operations, Security and Emergency Preparedness Section, Corporate Services Branch, Division of Administration, 3501 Fairfax Drive, Arlington, VA 22226.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (11) as follows:]

(11) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-010

SYSTEM NAME AND NUMBER:

Investigative Files of the Office of the Inspector General, FDIC-010.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

FDIC Office of Inspector General (OIG), 3501 Fairfax Drive, Arlington, VA 22226. In addition, records are maintained in FDIC OIG field offices. FDIC OIG field office locations can be obtained by contacting the Assistant Inspector General for Investigations at said address. Original and duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC OIG.

SYSTEM MANAGER(S):

Assistant Inspector General for Investigations, FDIC Office of Inspector General, 3501 Fairfax Drive, Arlington, VA 22226.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (29) as follows:]

(29) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019), 84 FR 35184 (Apr. 28, 2023).

FDIC-011

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Corporate Applicant Recruiting, Evaluating, and Electronic Referral Records, FDIC-011.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Human Resources Branch, Division of Administration, FDIC, 3501 Fairfax Drive, Arlington, VA 22226, and FDIC Office of Inspector General (OIG), 3501 Fairfax Drive, Arlington, VA 22226.

SYSTEM MANAGER(S):

Assistant Director, Information Systems and Services Section, Human Resources Branch, Division of Administration, FDIC, 3501 Fairfax Drive, Arlington, VA 22226; Deputy Assistant Inspector General for Management, Office of Inspector General, FDIC, 3501 Fairfax Drive, Arlington, VA 22226.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (11) as follows:]

(11) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-012

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Financial Information Management Records, FDIC-012.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Finance, FDIC, 3501 Fairfax Drive, Arlington, VA 22226. Records concerning garnishments, attachments, wage assignments and related records concerning FDIC employees are located with the Legal Division, FDIC, 3501 Fairfax Drive, Arlington, VA 22226. Some information, including travel and lodging reservations, is collected and maintained, on behalf of the FDIC by Sato Travel Services at 4601 N. Fairfax Drive, Suite 170, Arlington, VA 22203. Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Director, Division of Finance, FDIC, 3501 Fairfax Drive, Arlington, VA 22226. For records about FDIC employees concerning garnishments, attachments, wage assignments and related records, the system manager is

the Legal Division, FDIC, 3501 Fairfax Drive, Arlington, VA 22226.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine uses (15) and (16) as follows:]

(15) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

(16) To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-013**SYSTEM NAME AND NUMBER:**

Financial Institution Resolution and Receivership Records, FDIC-013.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at FDIC facilities in Washington, DC; Arlington, VA; and regional offices. Original and duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Deputy Director, Division of Resolutions and Receiverships, FDIC, 550 17th Street NW, Washington, DC 20429; 600 North Pearl Street, Suite 700, Dallas, Texas 75201.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine uses (19) and (20) as follows:]

(19) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

(20) To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019), 87 FR 66178 (Nov. 2, 2022).

FDIC-014

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Personnel Benefits and Enrollment Records, FDIC-014.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Administration, FDIC, 550 17th Street NW, Washington, DC 20429. For administrative purposes, duplicate systems may exist within the FDIC at the duty station of each employee. (See www.fdic.gov/about/contact/directory or Appendix A for the location of FDIC Regional Offices). The FDIC also has an interagency agreement with the U.S. Department of Agriculture, National Finance Center in New Orleans, Louisiana, to provide and maintain payroll, personnel, and related services and systems involving FDIC employees. The FDIC also has agreements with T. Rowe Price, Benefit Allocation Systems, and other benefit plan contractors to provide employee benefits and related administrative services.

SYSTEM MANAGER(S):

Deputy Director, Human Resources Branch, FDIC Division of

Administration, 550 17th Street NW,
Washington, DC 20429.

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[Modify Categories of Records in the
System as follows:]

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains general personnel and enrollment information for FDIC-sponsored flexible spending account (FSA) plans and insurance plans (life, dental, vision, or long-term disability). This may include information such as an individual's name, earnings, number and name of dependents, sex, date of birth, home address, social security number, employee locator information (including email and office addresses), claims for FSA reimbursements, and related correspondence.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine uses (18) and (19) as follows:]

(18) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

(19) To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-015

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Personnel Records, FDIC-015.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Administration, FDIC, 550 17th Street NW, Washington, DC 20429, and FDIC Office of Inspector General, 3501 Fairfax Drive, Arlington, VA 22226. For administrative purposes, duplicate systems may exist within the FDIC at the duty station of each employee. (See www.fdic.gov/about/contact/directory or Appendix A for the location of FDIC Regional Offices.) The FDIC also has an interagency agreement with the U.S. Department of Agriculture, National Finance Center in New Orleans, Louisiana, to provide and maintain payroll, personnel, and related services and systems involving FDIC employees.

SYSTEM MANAGER(S):

Deputy Director, Human Resources Branch, FDIC Division of Administration, 550 17th Street NW, Washington, DC 20429; Deputy Assistant Inspector General for Management, Office of Inspector General, FDIC, 3501 Fairfax Drive, Arlington, VA 22226.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

* * * * *

[Add routine uses (17) and (18) as follows:]

(17) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

(18) To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-016

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Professional Qualification Records for Municipal Securities Dealers, Securities Representatives, and U.S. Government Securities Broker/Dealers, FDIC-016.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Risk Management Supervision, Risk Management Policy Branch, FDIC, 550 17th Street NW, Washington, DC 20429. Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Senior Examination Specialist—Trust, Risk Management Policy Branch, Division of Risk Management Supervision, FDIC, 550 17th Street NW, Washington, DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

* * * * *

[Add routine use (16) as follows:]

(16) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-017

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Employee Medical and Health Assessment Records, FDIC-017.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Health Unit, Corporate Services Branch, Division of Administration, FDIC, located at the following addresses: 550 17th Street NW, Washington, DC 20429; 3501 Fairfax Drive, Arlington, VA 22226; 1310 Courthouse Road, Arlington, VA 22226; and Health Units located in FDIC Regional Offices; and FDIC Office of Inspector General, 3501 Fairfax Drive, Arlington, VA 22226. (See

www.fdic.gov/about/contact/directory or Appendix A for the location of FDIC Regional Offices.)

SYSTEM MANAGER(S):

Health, Safety and Environmental Program Manager, Corporate Services Branch, Division of Administration, FDIC, 3501 Fairfax Drive, Arlington, VA 22226; Deputy Assistant Inspector General for Management, Office of Inspector General, FDIC, 3501 Fairfax Drive, Arlington, VA 22226.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

* * * * *

[Add routine use (16) as follows:]

(16) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-018

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Grievance Records, FDIC-018.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Human Resources Branch, Division of Administration, FDIC, 3501 Fairfax Drive, Arlington, VA 22226; and FDIC Office of Inspector General, 3501 Fairfax Drive, Arlington, VA 22226. Records at the regional level generated through grievance procedures negotiated with recognized labor organizations are located in the FDIC Regional Office where originated. (See www.fdic.gov/about/contact/directory or Appendix A for the location of FDIC Regional Offices.) For non-headquarters employees, duplicate copies may be maintained by the Human Resources Branch, Division of Administration, Arlington, VA for the purpose of coordinating grievance and arbitration proceedings.

SYSTEM MANAGER(S):

Deputy Director of Personnel, Human Resources Branch, Division of Administration, FDIC, 3501 Fairfax

Drive, Arlington, VA 22226; Deputy Assistant Inspector General for Management, Office of Inspector General, FDIC, 3501 Fairfax Drive, Arlington, VA 22226. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See www.fdic.gov/about/contact/directory or Appendix A for the location of FDIC Regional Offices.)

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

* * * * *

[Add routine use (12) as follows:]

(12) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-019

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Potential Bidders List, FDIC-019.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Resolutions and Receiverships, FDIC, 550 17th Street NW, Washington, DC 20429; and Field Operations Branch, Division of Resolutions and Receiverships, FDIC, 1601 Bryan Street, Dallas, Texas 75201. Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Director, Division of Resolutions and Receiverships, FDIC, 550 17th Street NW, Washington DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (12) as follows:]

(12) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste,

fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

* * * * *

HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-020

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Telephone Call Detail Records, FDIC-020.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Information Technology, FDIC, 3501 Fairfax Drive, Arlington, VA 22226.

SYSTEM MANAGER(S):

Assistant Director, Operations Section, Infrastructure Services Branch, Division of Information Technology, FDIC, 3501 Fairfax Drive, Arlington, VA 22226.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (13) as follows:]

(13) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-021

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Fitness Center Records, FDIC-021.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Fitness Centers, Corporate Services Branch, Division of Administration, FDIC, 3501 Fairfax Drive, Arlington, VA 22226, and 550 17th Street NW, Washington, DC 20429.

SYSTEM MANAGER(S):

Health, Safety and Environmental Program Manager, Acquisition and Corporate Services Branch, Division of Administration, FDIC, 3501 Fairfax Drive, Arlington, VA 22226.

* * * * *

[Modify Categories of Records in the System as follows:]

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the individual's name, sex, age; fitness assessment results; identification of certain medical conditions; and the name and phone number of the individual's personal physician and emergency contact.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (13) as follows:]

(13) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-022

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Freedom of Information Act and Privacy Act Request Records, FDIC-022.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street NW, Washington, DC 20429.

SYSTEM MANAGER(S):

Legal Division, FOIA & Privacy Act Group, FDIC, 550 17th Street NW, Washington, DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (11) as follows:]

(11) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes

of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-023

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Affordable Housing Program Records, FDIC-023.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Resolutions and Receiverships, FDIC, 550 17th Street NW, Washington, DC 20429.

SYSTEM MANAGER(S):

Supervisory Resolutions and Receiverships Specialist, Operations Branch, Division of Resolutions and Receiverships, FDIC, 550 17th Street NW, Washington, DC 20429. Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (12) as follows:]

(12) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-024**SYSTEM NAME AND NUMBER:**

Unclaimed Deposit Account Records, FDIC-024.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at FDIC facilities in Arlington, Virginia and

regional offices. Original and duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Financial Managers, Division of Resolutions and Receiverships, FDIC, 550 17th Street NW, Washington, DC 20429, and 600 North Pearl Street, Suite 700, Dallas, Texas 75201.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine uses (13) and (14) as follows:]

(13) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

(14) To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019); 87 FR 66181 (Nov. 2, 2022).

FDIC-025

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Beneficial Ownership Filings, FDIC-025.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Risk Management Supervision, FDIC, 550 17th Street NW, Washington, DC 20429. Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Chief, Accounting & Securities
Disclosure Section, Division of Risk
Management Supervision, FDIC, 550
17th Street NW, Washington, DC 20429.

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**ROUTINE USES OF RECORDS MAINTAINED IN THE
SYSTEM, INCLUDING CATEGORIES OF USERS AND
PURPOSES OF SUCH USES:**

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[Add routine use (12) as follows:]

(12) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-026

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Transit Subsidy Program Records,
FDIC-026.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Administration, FDIC, 550 17th Street NW, Washington, DC 20429 and the FDIC Regional Offices. (See www.fdic.gov/about/contact/directory or Appendix A for the location of FDIC Regional Offices.) Records for FDIC Headquarters and all Regional Offices are also housed electronically at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SYSTEM MANAGER(S):

Lead, Transportation Unit, Security and Emergency Preparedness Section, Corporate Services Branch, Division of Administration, 3501 Fairfax Drive, Arlington, VA 22226.

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**ROUTINE USES OF RECORDS MAINTAINED IN THE
SYSTEM, INCLUDING CATEGORIES OF USERS AND
PURPOSES OF SUCH USES:**

* * * * *

[Add routine uses (11) and (12) as follows:]

(11) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste,

fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

(12) To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-027

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Parking Program Records, FDIC-027.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Administration, FDIC, 550 17th Street NW, Washington, DC 20429 and Regional Offices with FDIC parking facilities. (See www.fdic.gov/about/contact/directory or Appendix A for the location of FDIC Regional Offices.)

SYSTEM MANAGER(S):

Lead, Transportation Unit, Security and Emergency Preparedness Section, Corporate Services Branch, Division of Administration, 3501 Fairfax Drive, Arlington, VA 22226.

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**ROUTINE USES OF RECORDS MAINTAINED IN THE
SYSTEM, INCLUDING CATEGORIES OF USERS AND
PURPOSES OF SUCH USES:**

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[Add routine uses (11) and (12) as follows:]

(11) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

(12) To the U.S. Department of the Treasury when disclosure of the information is relevant to review

payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-028

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Office of the Chairman
Correspondence Records, FDIC-028.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

FDIC, Office of Legislative Affairs, 550 17th Street NW, Washington, DC 20429.

SYSTEM MANAGER(S):

Office of Legislative Affairs, 550 17th Street NW, Washington, DC 20429.

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**ROUTINE USES OF RECORDS MAINTAINED IN THE
SYSTEM, INCLUDING CATEGORIES OF USERS AND
PURPOSES OF SUCH USES:**

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[Add routine use (12) as follows:]

(12) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-029

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Congressional Correspondence
Records, FDIC-029.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

FDIC, Office of Legislative Affairs, 550 17th Street NW, Washington, DC 20429.

SYSTEM MANAGER(S):

Office of Legislative Affairs, 550 17th Street NW, Washington, DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (13) as follows:]

(13) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-030

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Legislative Information Tracking Records, FDIC-030.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

FDIC, Office of Legislative Affairs, 550 17th Street NW, Washington, DC 20429.

SYSTEM MANAGER(S):

Office of Legislative Affairs, 550 17th Street NW, Washington, DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

* * * * *

[Add routine use (13) as follows:]

(13) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-031

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Online Ordering Request Records, FDIC-031.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

These electronic records are collected in a web-based system located at a secure site and on secure servers maintained by a contractor for the FDIC, Division of Administration, 550 17th Street NW, Washington, DC 20429.

SYSTEM MANAGER(S):

Assistant Director, Library & Public Information Center, Corporate Services Branch, Division of Administration, FDIC, 550 17th Street NW, Washington, DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (8) as follows:]

(8) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-033

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Emergency Notification Records, FDIC-033.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Administration, FDIC, 550 17th Street NW, Washington, DC 20429 or FDIC Regional Offices (See www.fdic.gov/about/contact/directory or Appendix A for the location of FDIC Regional Offices.) Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Associate Director, FDIC Division of Administration, Security and

Emergency Preparedness Section, 550 17th Street NW, Washington, DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (10) as follows:]

(10) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

* * * * *

HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-034

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Office of Inspector General Inquiry Records, FDIC-034.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

FDIC Office of Inspector General (OIG), 3501 Fairfax Drive, Arlington, VA 22226.

SYSTEM MANAGER(S):

FDIC Inspector General, 3501 Fairfax Drive, Arlington, VA 22226.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (17) as follows:]

(17) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

* * * * *

HISTORY:

80 FR 66981 (Oct. 30, 2015), 84 FR 35184 (Jul. 22, 2019).

FDIC-035

[Modify system number as follows:]

SYSTEM NAME AND NUMBER:

Identity, Credential, and Access Management Records, FDIC–035.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The Division of Administration, FDIC, 550 17th Street NW, Washington, DC 20429, and FDIC Regional or area Offices. (See www.fdic.gov/about/contact/directory or Appendix A for the location of FDIC Regional Offices.) Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Chief, Security Operations, Security and Emergency Preparedness Section, Corporate Services Branch, Division of Administration, 3501 Fairfax Drive, Arlington, VA 22226.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

* * * * *

[Add routine use (12) as follows:]

(12) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

84 FR 35184 (Jul. 22, 2019).

FDIC–036**SYSTEM NAME AND NUMBER:**

Ensuring Workplace Health and Safety in Response to a Public Health Emergency, FDIC–036.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at FDIC facilities in Arlington, Virginia and regional offices. Original and duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Special Advisor to FDIC's Chief Operating Officer, 3501 Fairfax Drive,

Arlington, VA 22226, healthandsafety@fdic.gov.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (9) as follows:]

(9) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

86 FR 63384 (Nov. 16, 2021).

FDIC–037**SYSTEM NAME AND NUMBER:**

FDITech Information, FDIC–037.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The system of records is located on the FDIC intranet. Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Chief Innovation Officer, 3501 N. Fairfax Drive, Arlington, VA 22226, innovation@fdic.gov.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (8) as follows:]

(8) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

86 FR 68662 (Dec. 3, 2021).

FDIC–038**SYSTEM NAME AND NUMBER:**

Failed Insured Depository Institution Research, FDIC–038.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at FDIC facilities in Arlington, VA, and regional offices. Original and duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

FDIC Business Data Services System Program Manager, Chief Information Officer Organization, FDIC, 550 17th Street NW, Washington, DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (6) as follows:]

(6) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

87 FR 29746 (May 16, 2022).

FDIC–039**SYSTEM NAME AND NUMBER:**

E-Rulemaking, FDIC–039.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at FDIC facilities in Washington, DC; Arlington, VA; and regional offices. Original and duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Legal Division, Office of the Executive Secretary, FDIC, 550 17th Street NW, Washington, DC 20429.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

* * * * *

[Add routine use (12) as follows:]

(12) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes

of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

87 FR 52776 (Sep. 2, 2022).

FDIC-040

SYSTEM NAME AND NUMBER:

Mailing, Event, and Other Contact Lists, FDIC-040.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at FDIC facilities in Arlington, Virginia and regional offices. Duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Director, Division of Administration, 3501 Fairfax Drive, Arlington, VA 22226, MailingEventsContactLists@FDIC.gov.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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[Add routine use (7) as follows:]

(7) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

87 FR 66696 (Nov. 4, 2022).

FDIC-041

SYSTEM NAME AND NUMBER:

Personal Information Allowing Network Operations, FDIC-041.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are centrally maintained at FDIC, 550 17th Street NW, Washington, DC 20429. There are instances where records may be maintained at other secure locations, as well as on secure

servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Deputy Director, Infrastructure and Operations Services Branch, Division of Information Technology, FDIC, 3501 Fairfax Drive, Arlington, VA 22226.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

* * * * *

[Add routine use (12) as follows:]

(12) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

88 FR 27509 (May 2, 2023).

FDIC-042

SYSTEM NAME AND NUMBER:

Insider Risk Program Records, FDIC-042.

SECURITY CLASSIFICATION:

Unclassified and classified.

SYSTEM LOCATION:

The FDIC, located at 550 17th Street NW, Washington, DC 20429, and other FDIC office locations. Information may be stored within an appropriately authorized cloud environment or in other secure locations.

SYSTEM MANAGER(S):

Program Manager, Insider Risk (InR) Program, Division of Administration, FDIC, 550 17th Street NW, Washington, DC 20429.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

* * * * *

[Add routine use (13) as follows:]

(13) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

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HISTORY:

89 FR 70634 (Aug. 30, 2024).

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on November 13, 2025.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2025-19979 Filed 11-14-25; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Notice of Branch Closure (FR 4031; OMB No. 7100-0264).

DATES: Comments must be submitted on or before January 16, 2026.

ADDRESSES: You may submit comments, identified by FR 4031, by any of the following methods:

- *Agency Website:* <https://www.federalreserve.gov/apps/proposals/>. Follow the instructions for submitting comments, including attachments. *Preferred Method.*
- *Mail:* Benjamin W. McDonough, Deputy Secretary and Ombuds, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.
- *Hand Delivery/Courier:* Same as mailing address.
- *Other Means:* publiccomments@frb.gov. You must include the OMB number or the FR number in the subject line of the message.

Comments received are subject to public disclosure. In general, comments received will be made available on the Board's website at <https://www.federalreserve.gov/apps/proposals/> 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. Public comments may also be viewed electronically or in person in Room M-4365A, 2001 C St. NW, Washington, DC 20551, between 9 a.m. and 5 p.m. during Federal business weekdays.

Additionally, commenters may send a copy of their comments to the Office of

Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghrabi@frb.gov, (202) 452-3884.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

During the comment period for this proposal, a copy of the proposed PRA OMB submission, including the draft reporting form and instructions, supporting statement (which contains more detail about the information collection and burden estimates than this notice), and other documentation, will be made available on the Board's public website at <https://www.federalreserve.gov/apps/reportingforms/review> or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 4031. Final versions of these documents will be made available at <https://www.reginfo.gov/public/do/PRAMain>, if approved.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Collection title: Notice of Branch Closure.

Collection identifier: FR 4031.

OMB control number: 7100-0264.

General description of collection: The reporting, recordkeeping, and disclosure requirements regarding the closing of any branch of an insured depository institution (IDI) are contained in section 42 of the Federal Deposit Insurance Act, as supplemented by an interagency policy statement on branch closings. The Board uses the information in the FR 4031 to fulfill its statutory obligation to supervise state member banks (SMBs). Each IDI must adopt a policy regarding the closing of its branches. When a branch is scheduled for closing, the IDI must notify both its appropriate regulator and its customers of the proposed closure.

Frequency: Event-generated.

Respondents: Insured SMBs.

Total estimated number of respondents: 80.

Total estimated annual burden hours: 267.

Board of Governors of the Federal Reserve System, October 9, 2025.

Erin M. Cayce,

Assistant Secretary of the Board.

[FR Doc. 2025-19933 Filed 11-14-25; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

[Docket No. OP-1868]

Revisions to the Large Financial Institution Rating System and Framework for the Supervision of Insurance Organizations

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Final notice.

SUMMARY: The Board is adopting a final notice to revise its Large Financial Institution (LFI) rating system (LFI Framework) and the rating system for depository institution holding companies significantly engaged in insurance activities (Insurance Supervisory Framework, together with the LFI Framework, Frameworks) to more appropriately identify as “well managed” firms that have sufficient financial and operational strength and resilience to maintain safe and sound operations through a range of conditions, including stressful ones. The final notice also replaces the presumption in the Frameworks that firms with one or more Deficient-1 component ratings will be subject to a formal or informal enforcement action with a statement that such firms may be subject to a formal or informal enforcement action, depending on particular facts and circumstances. The final notice also removes a reference to reputational risk in the Insurance Supervisory Framework.

DATES: Effective January 16, 2026.

FOR FURTHER INFORMATION CONTACT:

Marta Chaffee, Senior Associate Director, (202) 263-4814, Juan Climent, Deputy Associate Director, (202) 872-7526, Catherine Tilford, Deputy Associate Director, (202) 452-5240, April Snyder, Assistant Director, (202) 452-3099, Missaka Nuwan Warusawitharana, Manager, (202) 452-3461, Devyn Jeffereis, Lead Financial Institution Policy Analyst, (202) 452-2729, and Ricardo Duque Gabriel, Economist, (202) 313-1664, Division of Supervision and Regulation; or Reena Sahni, Deputy General Counsel, (202) 527-2911, Jay Schwarz, Deputy Associate General Counsel, (202) 452-2970, David Cohen, Counsel, (202) 452-5259, Vivien Lee, Attorney, (202) 452-2029, and Daniel Parks, Attorney, (771) 210-7183, Legal Division. For users of TTY-TRS, please call 711 from any telephone, anywhere in the United States or (202) 263-4869.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
 - A. Background
 - 1. LFI Framework
 - 2. Insurance Supervisory Framework
 - B. Proposal and Overview of Comments Received
- II. Overview of Final Notice and Comments Received
 - A. General Comments
 - B. LFI Framework Definition of “Well Managed”
 - C. LFI Framework Enforcement Action Presumption

- D. Insurance Supervisory Framework Definition of “Well Managed” and Enforcement Action Presumption
- E. Changes to Appendix B: Framework for the Supervision of Insurance Organizations

III. Economic Analysis

- A. Baseline
- B. Revisions to the Frameworks Contained in the Final Notice Relative to Baseline
- C. Analysis of Benefits and Costs
 - 1. Benefits
 - a. Supervisory Efficiency and Efficacy
 - b. Reduction of Compliance Costs and Other Impediments to Growth
 - 2. Costs
 - D. Conclusion

IV. Administrative Law Matters

- A. Solicitation of Comments and Use of Plain Language
- B. Paperwork Reduction Act
- C. Regulatory Flexibility Act
- D. Riegle Community Development and Regulatory Improvement Act of 1994

Appendix A—Text of the Large Financial Institution Rating System

Appendix B—Text of the Insurance Supervisory Framework

I. Introduction

A. Background

The Board supervises and regulates companies that control one or more banks (bank holding companies) and companies that are not bank holding companies that control one or more savings associations (savings and loan holding companies, together with bank holding companies, depository institution holding companies). Congress gave the Board regulatory and supervisory authority for bank holding companies through the enactment of the Bank Holding Company Act of 1956 (BHC Act).¹ The Board’s regulation and supervision of savings and loan holding companies began in 2011 when provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act)² transferring supervision and regulation of savings and loan holding companies from the Office of Thrift Supervision to the Board took effect.³ Upon this transfer, the Board became the federal supervisory agency for all depository institution holding companies, including a portfolio of depository institution holding companies significantly engaged in insurance activities (supervised insurance organizations).⁴

The Board has developed supervisory rating frameworks for its supervised entities, based on their size and complexity, to assess their financial and operational strength.

1. LFI Framework

The Board adopted the LFI Framework in 2018 and issued related guidance in 2019.⁵ The Board designed the LFI Framework to align with the Federal Reserve’s supervisory programs and practices, enhance the clarity and consistency of supervisory assessments and communications of supervisory findings and implications, and provide transparency related to the supervisory consequences of a given rating. The LFI Framework applies to bank holding companies and non-insurance, non-commercial savings and loan holding companies with total consolidated assets of \$100 billion or more, and U.S. intermediate holding companies of foreign banking organizations established under Regulation YY with total consolidated assets of \$50 billion or more.

The LFI Framework evaluates whether a firm possesses sufficient financial and operational strength and resilience to maintain safe and sound operations and comply with laws and regulations, including those related to consumer protection, through a range of conditions. It includes three components: (1) Capital Planning and Positions; (2) Liquidity Risk Management and Positions; and (3) Governance and Controls.⁶ Each component is rated based on a four-point non-numeric scale: Broadly Meets Expectations,⁷ Conditionally Meets Expectations,⁸ Deficient-1,⁹ and Deficient-2.¹⁰

⁵ 83 FR 58724 (Nov. 21, 2018); SR Letter 19–3/CA Letter 19–2, Large Financial Institution (LFI) Rating System (Feb. 26, 2019), <https://www.federalreserve.gov/supervisionreg/srletters/sr1903.htm>.

⁶ See SR Letter 19–3/CA Letter 19–2.

⁷ Indicates that a firm’s practices and capabilities broadly meet supervisory expectations, and the firm possesses sufficient financial and operational strength and resilience to maintain safe and sound operations through a range of conditions.

⁸ Indicates that there are certain material financial or operational weaknesses in a firm’s practices or capabilities that may place the firm’s prospects for remaining safe and sound through a range of conditions at risk if not resolved in a timely manner during the normal course of business.

⁹ Indicates that there are financial or operational deficiencies in a firm’s practices or capabilities, which put the firm’s prospects for remaining safe and sound through a range of conditions at significant risk.

¹⁰ Indicates that there are financial or operational deficiencies in a firm’s practices or capabilities which present a threat to the firm’s safety and soundness or have already put the firm in an unsafe and unsound condition.

The BHC Act defines the term “well managed”¹¹ and identifies certain benefits that may be available to a firm that meets the criteria.¹² A bank holding company that is “well managed,” and that is “well managed” at each of its depository institution subsidiaries, among other requirements, may elect to be treated as a financial holding company.¹³ A financial holding company may engage in a broader range of nonbanking activities, such as securities underwriting and dealing, than a bank holding company that has not made such an election.¹⁴ The BHC Act permits a firm that is “well managed” to engage in certain expansionary activities, and to pursue investments in, and acquisitions of, certain nonbank financial companies, without obtaining prior Board approval.¹⁵ The loss of “well managed” status can constrain a banking organization that is a financial holding company; can limit the banking organization from benefiting from certain expedited processing of applications available to “well managed” firms; and can limit the scope of certain new activities and acquisitions permissible for the firm.¹⁶ This can include limitations on acquisitions of, and investments in, companies engaged in certain financial activities without prior approval by the Board.¹⁷

The LFI Framework states that a “well managed” firm has sufficient financial and operational strength and resilience to maintain safe and sound operations through a range of conditions, including stressful ones.¹⁸ Previously under the LFI Framework, a firm that received a rating of Deficient-1 or Deficient-2 in any component rating was not considered “well managed” for purposes of the BHC Act and for certain

¹¹ 12 U.S.C. 1841(o)(9). Under the BHC Act, “well managed” means a company or depository institution that has achieved (i) “a CAMEL composite rating of 1 or 2 (or an equivalent rating under an equivalent rating system),” and (ii) “at least a satisfactory rating for management, if such a rating is given.”

¹² See, e.g., 12 U.S.C. 1843(j)(4)(B).

¹³ See 12 U.S.C. 1843(l).

¹⁴ For a bank holding company to qualify as a financial holding company and engage in certain financial activities, the bank holding company and each of its depository institution subsidiaries must be “well capitalized” and “well managed.” See 12 U.S.C. 1843(l)(1).

¹⁵ See 12 U.S.C. 1843(l).

¹⁶ See, e.g., 12 U.S.C. 1842(d) and 1843(l); 12 CFR 225.4(b)(6), 225.14, 225.22(a), 225.23; 12 CFR 211.9(b), 211.10(a)(14), 211.34; and 12 CFR 223.41.

¹⁷ See, e.g., 12 CFR 225.83(d)(2).

¹⁸ See SR Letter 19–3/CA Letter 19–2, Large Financial Institution (LFI) Rating System (Feb. 26, 2019), <https://www.federalreserve.gov/supervisionreg/srletters/sr1903.htm>.

¹ Ch. 240, 70 Stat. 133.

² Public Law 111–203, 124 Stat. 1376 (2010).

³ Dodd-Frank Act tit. III, 124 Stat. at 1520–70.

⁴ Specifically, a supervised insurance organization is a depository institution holding company that is an insurance underwriting company, or that has over 25 percent of its consolidated assets held by insurance underwriting subsidiaries, or has been otherwise designated as a supervised insurance organization by the Federal Reserve.

other purposes.¹⁹ When issuing the LFI Framework, the Board explained that a banking organization was not in satisfactory condition overall unless it was considered sound in each of the key areas of capital, liquidity, and governance and controls. A Deficient-1 component rating was, and continues to be, issued when financial or operational deficiencies at a firm put the firm's prospects for remaining safe and sound through a range of conditions at significant risk, but the firm's current condition is not considered to be materially threatened. Moreover, the LFI Framework established a presumption that the Board would impose a formal or informal enforcement action on any firm with a Deficient-1 or Deficient-2 component rating.

2. Insurance Supervisory Framework

The Board's current supervisory approach for noninsurance depository institution holding companies assesses holding companies whose primary risks are related to the business of banking. The risks arising from insurance activities, however, are materially different from traditional banking risks. The top-tier holding company for some supervised insurance organizations is an insurance underwriting company, which is subject to supervision and regulation by the relevant state insurance regulator as well as consolidated supervision by the Board; for all supervised insurance organizations, insurance regulators supervise and regulate the business of insurance underwriting companies. Additionally, the state insurance regulators have established Statutory Accounting Principles through the National Association of Insurance Commissioners to help assess the risks of insurance companies, some of which do not produce consolidated financial statements based on generally accepted accounting principles.

Because of these differences, the Board tailored its supervision and regulation of supervised insurance organizations. In 2022, the Board adopted the Insurance Supervisory Framework.²⁰ In addition, in 2023, the

Board established a risk-based capital framework designed specifically for supervised insurance organizations.²¹

The Insurance Supervisory Framework is modeled after the LFI Framework. The Board designed the Insurance Supervisory Framework to reflect supervisory requirements and expectations applicable to supervised insurance organizations. Further, within the Insurance Supervisory Framework, the application of supervisory guidance and the assignment of supervisory resources is based explicitly on a supervised insurance organization's complexity and individual risk profile.²²

Similarly to the LFI Framework, the Insurance Supervisory Framework includes three components (Capital Management, Liquidity Management, and Governance and Controls), with each component rated based on a four-point non-numeric scale (Broadly Meets Expectations,²³ Conditionally Meets Expectations,²⁴ Deficient-1,²⁵ and Deficient-2²⁶).

Like firms subject to the LFI Framework, certain supervised insurance organizations that lose their "well managed" status may be restricted from engaging in certain expansionary activities and pursuing investments in, and acquisitions of, certain nonbank financial companies without obtaining prior Board approval.²⁷ Previously,

²¹ 88 FR 82950 (Nov. 27, 2023); 12 CFR part 217, subpart J.

²² For example, the Insurance Supervisory Framework classifies supervised insurance organizations as either complex or noncomplex.

²³ Indicates a supervised insurance organization's practices and capabilities broadly meet supervisory expectations and that the holding company effectively serves as a source of managerial and financial strength for its depository institution(s) and possesses sufficient financial and operational strength and resilience to maintain safe and sound operations through a range of stressful yet plausible conditions.

²⁴ Indicates a supervised insurance organization's practices and capabilities are generally considered sound, but certain supervisory issues are sufficiently material that if not resolved in a timely manner during the normal course of business, they may put the firm's prospects for remaining safe and sound, and/or the holding company's ability to serve as a source of managerial and financial strength for its depository institution(s), at risk.

²⁵ Indicates that financial or operational deficiencies in a supervised insurance organization's practices or capabilities put its prospects for remaining safe and sound, and/or the holding company's ability to serve as a source of managerial and financial strength for its depository institution(s), at significant risk.

²⁶ Indicates that financial or operational deficiencies in a supervised insurance organization's practices or capabilities present a threat to its safety and soundness, have already put it in an unsafe and unsound condition, and/or make it unlikely that the holding company will be able to serve as a source of financial and managerial strength to its depository institution(s).

²⁷ See 12 CFR 225.83 and 238.66(b).

under the Insurance Supervisory Framework, a supervised insurance organization had to receive a rating of Conditionally Meets Expectations or better in each of the three rating components in order to be considered "well managed." The Board explained that each rating is defined specifically for supervised insurance organizations with particular emphasis on the obligation that firms serve as a source of financial and managerial strength for their depository institution(s).²⁸ A Deficient-1 component rating was, and continues to be, issued when financial or operational deficiencies at a firm put its prospects for remaining safe and sound, and/or the holding company's ability to serve as a source of managerial and financial strength for its depository institution(s), at significant risk. Moreover, the Insurance Supervisory Framework established a presumption that a firm with a Deficient-1 or Deficient-2 rating would be subject to an enforcement action.

B. Proposal and Overview of Comments Received

On July 15, 2025, the Board invited comment on a proposal to revise the Frameworks such that firms with only one Deficient-1 component rating and two component ratings of Conditionally Meets Expectations or Broadly Meets Expectations would be considered "well managed."²⁹ A firm rated "Deficient-1" in two or more rating components or "Deficient-2" in any rating component would continue not to be considered "well managed." The proposed revisions reflected experience with the LFI Framework since its introduction in 2018. This experience demonstrates that a firm that has a Deficient-1 rating in an individual component while maintaining a rating of Broadly Meets Expectations or Conditionally Meets Expectations in its other two components would generally have sufficient financial and operational strength and resilience to maintain safe and sound operations through a range of conditions due to its overall robustness.³⁰ The proposed revisions also sought to reflect the financial and operational strength and resilience of firms subject to the Frameworks. In addition, the proposal aimed to better align the application of the Frameworks with the operation of the Board's other

²⁸ 87 FR 60160 (Oct. 4, 2022).

²⁹ 90 FR 31641 (July 15, 2025).

³⁰ For firms subject to the Insurance Supervisory Framework, the proposal reflected that these firms have sufficient financial and operational strength to serve as a source of strength for their depository institutions through a range of stressful yet plausible conditions.

¹⁹ For purposes of determining whether a firm is considered "well managed" under section 2(o)(9) of the BHC Act, the Federal Reserve considers the three component ratings, taken together, to be equivalent to assigning a standalone composite rating. 83 FR 58724, 58730 (Nov. 21, 2018). The LFI Framework does not designate any of the three component ratings as a management rating, because each component evaluates different aspects of a firm's management.

²⁰ 87 FR 60160 (Oct. 4, 2022); SR Letter 22–8, Framework for the Supervision of Insurance Organizations (Sept. 28, 2022), <https://www.federalreserve.gov/supervisionreg/srletters/SR2208.htm>.

existing ratings frameworks, none of which determine a firm's composite rating, which is relevant to its "well managed" status, based solely on a single component rating.

In addition, the Board proposed removing the presumption in the Frameworks that firms with one or more Deficient-1 component ratings will be subject to a formal or informal enforcement action. Instead, under the proposal, the Frameworks would state that firms with one or more Deficient-1 component ratings may be subject to a formal or informal enforcement action, depending on particular facts and circumstances. The proposed revision aimed to align the standard for initiating enforcement actions with other rating frameworks. The proposal maintained the presumption that the Board will impose a formal enforcement action on a firm with one or more Deficient-2 component ratings. All other aspects of the Frameworks would remain unchanged under the proposal.

The Board received ten comments on the proposal. Commenters included industry groups, public interest groups, academics, members of Congress, and other interested parties. Some commenters expressed general support for the proposal and recommended expeditiously adopting the proposal. These commenters stated that the proposal would more accurately reflect a firm's financial and operational strength and resilience to maintain safe and sound operations through a range of conditions, including stressful ones, and thus appropriately increase firms' ability to expand efficiently, reduce compliance costs, and increase innovation. Further, these commenters asserted that the proposal would enable firms to more efficiently allocate resources between resolving material financial issues and serving customers and competing within the financial sector.

Other commenters opposed the proposal overall, stating that it was unnecessary and would increase risks to safety and soundness. Some of these commenters cited historical examples of firms that have failed, expressing concern that the proposal would have treated certain of these firms as "well managed." Other commenters stated that the proposal would encourage growth in large banking organizations, presenting financial stability risks and increasing competitive disadvantages for community banks. One commenter also asserted the proposal was inconsistent with the Administrative Procedure Act (APA).

Additionally, several commenters provided more specific views on the

proposal's "well managed" definition and enforcement action presumption. These comments are described in more detail throughout the remainder of this final notice. Certain commenters suggested changes to Board supervision and other supervisory rating systems which are beyond the scope of this notice.

II. Overview of Final Notice and Comments Received

The Board has considered all comments and is finalizing the proposal largely without change. Accordingly, under the final notice, a firm with at least two Broadly Meets Expectations or Conditionally Meets Expectations component ratings and no more than one Deficient-1 component rating will be considered "well managed" under the Frameworks. Additionally, under the final notice, the Frameworks state that firms with one or more Deficient-1 component ratings may be subject to a formal or informal enforcement action, depending on particular facts and circumstances. The final notice does not change the criteria for determining if a firm's component rating is Broadly Meets Expectations, Conditionally Meets Expectations, Deficient-1, or Deficient-2.

The final notice also updates certain references, including removing a reference to reputational risk, in the Insurance Supervisory Framework.

A. General Comments

Support for the Proposal. Multiple commenters generally supported the proposal and recommended that the Board expeditiously adopt it. These commenters suggested that the proposal would increase the ability of firms to expand efficiently, increase innovation, and more accurately reflect the quality of firm management. The commenters discussed deficiencies in the previous LFI Framework, including that it overemphasizes less important, procedural considerations at the expense of core, material financial risks.

The commenters also suggested that the proposal would increase efficiency. One commenter noted that the proposal may reduce compliance costs, make examinations and remediation more efficient, and enable firms to allocate resources more effectively to resolve material financial issues, resulting in greater lending opportunities. Another commenter stated that the proposal would promote economic growth by allowing institutions without material safety and soundness concerns to invest resources to serve customers and to compete within the financial sector.

Safety and Soundness. Several commenters expressed concerns related to the proposal's effect on safety and soundness. Several commenters opposed the proposed changes, noting that supervisory ratings, as currently constructed, are highly predictive of bank failure and provide valuable information on institutional health. These commenters noted that agency research suggests that agency ratings outperform purely financial metrics in predicting future firm performance. Another commenter expressed concern that the proposal would expose holding companies' insured depository institution subsidiaries to certain risks and allow non-bank affiliates to receive subsidies arising from an insured depository institution's access to the federal safety net. This commenter stated that such a result is inconsistent with Congressional intent to ensure only well managed holding companies hold an interest in non-bank entities. One commenter emphasized the importance of the Governance and Controls component to safety and soundness, noting it is the primary means to evaluate management's ability to manage novel and emerging risks, especially those that are difficult to quantify.³¹ The commenter noted that governance lapses are leading indicators of larger systemic breakdowns.³² Consequently, the commenter asserted that inadequate governance and risk management at large firms not only affects the safety and soundness of a firm but also amplifies systemic vulnerability across the banking sector. Another commenter expressed concern that a firm with a single Deficient-1 component rating and two Conditionally Meets Expectations component ratings would be considered "well managed" despite existing deficiencies, which could negatively impact financial stability.

The Board agrees that supervisory ratings provide valuable information about a firm's financial and non-financial strengths. The revisions reflect experience with the LFI Framework since its introduction in 2018. This experience demonstrates that a firm that has a Deficient-1 rating in an individual component while maintaining a rating of Broadly Meets Expectations or

³¹ One commenter asserted that climate change is a source of risk to safety and soundness that is unaccounted for under the proposal.

³² Similarly, one commenter stated that the proposal downplays the importance of Governance and Controls, which history has demonstrated is very important for large banks. The commenter cited previous instances in which the Board or other agencies have fined large firms for Governance and Controls failures and instances in which failures in management led to firm failures.

Conditionally Meets Expectations in its other two components would generally have sufficient financial and operational strength and resilience to maintain safe and sound operations through a range of conditions due to its overall robustness. These “well managed” firms would generally be able to serve as a source of strength for their insured depository institution subsidiaries. In addition, firms subject to the Frameworks would continue to be subject to section 23A of the Federal Reserve Act and the Board’s Regulation W, which limits an insured depository institution’s ability to transfer its subsidy arising from the institution’s access to the federal safety net.³³

Further, with the revisions, the LFI Framework continues to evaluate the effectiveness of a firm’s Capital Planning and Positions, Liquidity Risk Management and Positions, and Governance and Controls, including the ability of firms to identify and manage material financial risks. Similarly, the Insurance Supervisory Framework continues to evaluate the effectiveness of a firm’s Capital Management, Liquidity Management, and Governance and Controls, and includes the ability of firms to identify and manage material financial risks. The final notice does not deemphasize any single component rating.³⁴ Instead, the revisions ensure that “well managed” determinations take a comprehensive approach and reflect the overall strength of a firm across the three components of the Frameworks. The Frameworks will continue to allow supervisors to communicate concerns about risks and assign ratings based on the level of supervisory concern.

Comparison to Silicon Valley Bank Financial Group. Several commenters used Silicon Valley Bank Financial Group (SVBFG) or Silicon Valley Bank (SVB) as examples to raise concerns with the proposal, noting that SVBFG would have been considered “well managed” under the proposal, and therefore asserting the proposed rating system lacks credibility. One commenter stated the proposal does not address the problem with supervisory rating systems identified by the SVB failure. Specifically, the commenter stated that the problems identified by the SVB failure, which are not addressed under the proposal, include supervisors’ focus on multiple nonmaterial management issues while

failing to adequately identify and remediate material vulnerabilities with capital and liquidity.

The failure of SVB involved a number of bank risk management and supervisory failures and presented issues that were broader than a firm’s “well managed” status under the LFI Framework. Many of these issues are outside the scope of the final notice, but will be considered in any future efforts to make more comprehensive changes to supervisory ratings systems, including efforts to increase emphasis on material financial risks.

Large Bank Prioritization. Several commenters expressed concerns that the proposal encourages growth in large banking organizations, which presents financial stability risks and increases competitive disadvantages for community banks. One commenter stated that the proposal would encourage expansion and mergers involving large firms that are not well managed and would thus intensify consolidation in the financial sector. Another commenter raised concerns about the impact of the proposal on community banks, claiming that the proposal would establish two different sets of rules, with standards for large firms being more lenient than those for community banks.

The final notice does not aim to create more lenient standards for large firms relative to community banks. An application to engage in expansionary activities that requires prior Board approval or non-objection would continue to be reviewed under applicable statutory factors, including, in certain instances, how such proposals would impact competition and financial stability.³⁵ Further, while certain firms with a single Deficient-1 component rating would no longer be statutorily limited from engaging in new activities and acquisitions permissible only for “well managed” firms without Board approval, the Federal Reserve will consider specific concerns underlying a Deficient-1 component rating in evaluating any application from a firm to engage in new or expansionary activities to the extent those concerns are relevant to the evaluation of a particular statutory factor.

In addition, the final notice better aligns the Frameworks with supervisory rating systems that apply to other banking organizations, none of which determine a firm’s composite rating, which is relevant to its “well managed” status, based solely on a single component rating. Further, most large

firms evaluated under the Frameworks are subject to additional regulatory requirements that are not applicable to smaller firms.³⁶ Certain enhanced regulatory requirements are considered when determining a firm’s rating under the Frameworks.

Arbitrary and Capricious. One commenter claimed that the proposal is arbitrary and capricious and contrary to the APA, describing the Board’s analysis as cursory in nature and asserting that it fails to adequately support the substance of the proposal. In particular, the commenter noted that the Board failed to offer an analysis of the competitive effects of the proposal on small-business and agricultural lending. The rulemaking record, including the additional analysis in Section III of this final notice, demonstrates analysis of the proposal and final notice that is consistent with the requirements of the APA.

Timing Considerations. The Board received several comments related to the effective date of the revisions. Some commenters supported quick adoption of the proposal. Another commenter requested clarification on the effective date. One commenter requested the Board extend the comment period. The Board notes that the proposal’s comment period was 30 days, which satisfies the requirements of the APA. The limited changes contemplated by the proposal, and the fact that the request for an extension was submitted in conjunction with other substantive comments regarding the proposal, indicate that the Board provided sufficient time for public consideration and comment. As noted above, the effective date for the final notice is November 17, 2025.

Comments Outside the Scope of the Proposal. Some commenters suggested potential changes to the Frameworks that were outside the scope of the proposal. For instance, many commenters suggested changes to other aspects of Board supervision and other supervisory rating systems. As mentioned in the proposal, the Board plans to consider more comprehensive changes to supervisory rating systems, including the Frameworks, that apply to Federal Reserve-supervised institutions in the future. As part of these efforts, the Board will consider the additional potential changes submitted by commenters including comments related to changes to the examination process and the process for issuing and rescinding 4(m) agreements.

Composite Rating. In the proposal, the Board included questions regarding

³³ 67 FR 76560 (Dec. 12, 2002).

³⁴ The Governance and Controls component rating evaluates critical practices and capabilities that provide for the firm’s ongoing financial and operational resiliency through a range of conditions.

³⁵ See, e.g., 12 U.S.C. 1842(c); 12 U.S.C. 1843(j)(2).

³⁶ See e.g., 12 CFR 252.

whether a composite rating should be added to the Frameworks. The Board did not receive any comments that supported implementing a composite rating and several commenters put forth arguments against inclusion of a composite rating. Therefore, the Board is not adding a composite rating to the Frameworks. The revisions ensure that “well managed” determinations take a comprehensive approach and reflect the overall strength of a firm across the three components.

Insurance Supervisory Framework. While the Board did not receive any comments specific to the Insurance Supervisory Framework, the Board recognizes that some comments may be relevant to the Insurance Supervisory Framework. Accordingly, the Board has considered such comments in the context of the Insurance Supervisory Framework and is finalizing the revisions to the Frameworks largely without change.

B. LFI Framework Definition of “Well Managed”

The proposal would have revised the LFI Framework such that a firm with at least two Broadly Meets Expectations or Conditionally Meets Expectations component ratings and no more than one Deficient-1 component rating would be considered “well managed” under the LFI Framework. A firm would not have been considered “well managed” under the LFI Framework if it received a Deficient-1 for two or more component ratings. A firm would also not have been considered “well managed” under the LFI Framework if it received a Deficient-2 for any of the component ratings.

Several commenters supported the proposal’s changes to the “well managed” definition, whereas other commenters opposed such changes. Commenters that supported the changes noted their agreement with certain rationales included in the proposal. Commenters that opposed the changes stated the changes would negatively impact safety and soundness and would decrease incentives for firms to resolve outstanding deficiencies, eroding the deterrent value of supervision.

Specifically, some commenters opposed the proposal’s changes to the “well managed” definition, claiming that the proposal was inconsistent with the BHC Act.³⁷ Certain commenters

stated that the definition of “well managed” in the proposal was more permissive than a CAMELS composite rating of 2.³⁸ One commenter noted that the Deficient-1 rating, which signifies that a holding company “is unable to remediate deficiencies in the normal course of business,” is inconsistent with the definition of a CAMELS composite rating of 2, which states that only “moderate weaknesses are present and are well within the board of directors’ and management’s capabilities and willingness to correct.” This commenter further stated that the presence of a Deficient-1 rating was inconsistent with the CAMELS composite rating of 2 which states that a firm is “in substantial compliance with laws and regulations.” Other commenters stated that the Governance and Controls component rating is effectively a management rating and so would need to be satisfactory for a firm to be “well managed” under the BHC Act. However, another commenter disagreed, noting the proposal was consistent with the BHC Act.

After considering the relevant comments, the Board is finalizing the changes to the “well managed” definition as proposed. The revisions reflect experience with the LFI Framework since its introduction in 2018. This experience demonstrates that a firm that has a Deficient-1 rating in an individual component while maintaining a rating of Broadly Meets Expectations or Conditionally Meets Expectations in its other two components would generally have sufficient financial and operational strength and resilience to maintain safe and sound operations through a range of conditions due to its overall robustness. These revisions will result in the LFI Framework more appropriately reflecting the financial and operational strength and resilience of firms subject to the LFI Framework. As discussed in the Board’s November 2024 Supervision and Regulation Report, most banks are well capitalized; liquidity and funding conditions are stable compared to 2023; and asset quality generally remains sound.³⁹ Likewise, the results of the Federal Reserve Board’s 2025 annual bank stress test show that large banks are well positioned to weather a severe recession, while staying above minimum capital requirements and continuing to lend to households and

businesses.⁴⁰ The revisions will also align the application of the LFI Framework more closely with the operation of other existing supervisory rating systems.

The proposal noted that potential costs of the revisions might include a slight increase in risk-taking and that firms may be marginally less incentivized to remediate single Deficient-1 component ratings. However, the possibility of losing “well managed” status due to a further rating decline to Deficient-2 provides an incentive to address deficiencies promptly. Moreover, supervisors will continue to monitor the remediation of supervisory issues and retain the ability to impose enforcement actions when appropriate.

Additionally, the proposal and final notice are consistent with the BHC Act. Consistent with the CAMELS framework, the revisions allow for a firm with a less than satisfactory component rating to be considered “well managed” if other component ratings are satisfactory. For example, under the CAMELS framework, a firm may receive one or more component ratings of 3 (less than satisfactory) and still achieve a composite rating of 2.⁴¹ The CAMELS framework contemplates that a firm may be fundamentally sound despite potential deficiencies in individual component ratings.⁴² Additionally, the Board explained in the proposal that a Deficient-1 component rating can be indicative of a discrete deficiency. Such a deficiency may not indicate material non-compliance with law or regulation.

The Governance and Controls component is not a “management” rating and the LFI Framework has never contained a management rating. When adopting the LFI Framework in 2018, the Board explained that the LFI Framework would not designate any of the three component ratings as a “management” rating because each component includes an evaluation of aspects that are relevant to a firm’s management. For example, in evaluating the Capital Planning and Positions component rating under the LFI Framework, examiners should consider

⁴⁰ Board of Governors of the Federal Reserve System, 2025 Federal Reserve Stress Test Results (June 2025), <https://www.federalreserve.gov/publications/files/2025-dfast-results-20250627.pdf>.

⁴¹ See SR 96–38, Uniform Financial Institutions Rating System (Dec. 27, 1996) (defining firms with a composite 2 rating as being “fundamentally sound,” that generally have “no component rating more severe than 3”).

⁴² For example, a 3 rating in liquidity may evidence a “lack ready access to funds on reasonable terms” or “significant weaknesses in funds management practices.” Id.

³⁷ One commenter raised a separate legal concern, stating that the proposal would be inconsistent with the requirement that “comparable” capital and management standards be applied to a foreign bank that operates a branch in the United States under the principle of national treatment. The Board considers the revisions to be consistent with 12 U.S.C. 1843(l)(3).

³⁸ Supra note 11.

³⁹ Board of Governors of the Federal Reserve System, Supervision and Regulation Report (Nov. 2024), <https://www.federalreserve.gov/publications/files/202411-supervision-and-regulation-report.pdf>.

aspects of management such as the extent to which a firm maintains sound capital planning practices through effective governance and oversight; effective risk management and controls; and maintenance of updated capital policies and contingency plans for addressing potential shortfalls. In contrast, the Capital component rating in CAMELS includes a more limited evaluation of management considerations.⁴³

Accordingly, allowing firms with a single Deficient-1 rating in Governance and Controls (and at least a Conditionally Meets Expectations rating in the other two components) to be “well managed” is consistent with the BHC Act, as Governance and Controls is not a management rating. A Deficient-1 rating in Governance and Controls would not reflect management deficiencies to the same extent that a component rating of 3 for Management would under the CAMELS framework, as key aspects of a firm’s management would not be incorporated into the Governance and Controls rating.

C. LFI Framework Enforcement Action Presumption

The proposal would have removed the presumption in the LFI Framework that firms with one or more Deficient-1 component ratings will be subject to a formal or informal enforcement action. Instead, under the proposal, a firm with one or more Deficient-1 component ratings may be subject to a formal or informal enforcement action, depending on particular facts and circumstances. The proposal maintained a presumption that the Board would impose a formal enforcement action on a firm with one or more Deficient-2 component ratings.

Commenters were mixed on their support for removing the enforcement presumption. One commenter stated that the presence of an enforcement action presumption is inconsistent with a CAMELS composite 2 rating. Another commenter stated that a presumption of an enforcement action on a firm due to its receipt of a Deficient-1 rating is inconsistent with the legal standard of an “unsafe and unsound practice” under the Federal Deposit Insurance Act (FDIA), because a Deficient-1 rating is meant to indicate “issues that put the firm’s prospects for remaining safe and sound through a range of conditions at significant risk” and that “the firm’s current condition is not considered to be materially threatened.”

⁴³ With respect to the Capital component rating in CAMELS, it is stated that examiners should consider the “ability of management to address emerging needs for additional capital.”

In contrast, several commenters expressed concern that removing the enforcement presumption for firms with Deficient-1 ratings would weaken the incentive for banks to correct problems identified by examiners. Another commenter stated that the failure of SVB demonstrates that firms should be required to quickly remediate their identified supervisory issues and that the proposal would not achieve this.

After considering all comments, the Board is finalizing the changes to the enforcement action presumption as proposed. The revisions remove the enforcement presumption for firms with one or multiple Deficient-1 ratings⁴⁴ and instead note that enforcement actions will be considered on a case-by-case basis depending on relevant facts and circumstances. Such an approach is generally consistent with the Board’s practices when issuing an enforcement action to firms subject to other ratings frameworks.⁴⁵ The Board will continue only to take formal and informal enforcement actions if the relevant standards are met.⁴⁶

As noted above, under the revisions, firms still need to promptly resolve outstanding deficiencies. Moreover, supervisors will continue to monitor the remediation of supervisory issues and retain the ability to impose a formal or informal enforcement action for firms with Deficient-1 ratings, as appropriate, depending on relevant facts and circumstances.

D. Insurance Supervisory Framework Definition of “Well Managed” and Enforcement Action Presumption

The proposal would have made parallel changes to the “well managed” determination under the Insurance Supervisory Framework, such that a firm with at least two Broadly Meets Expectations or Conditionally Meets Expectations component ratings and no more than one Deficient-1 component rating would have been considered “well managed” under the Insurance Supervisory Framework. Under the proposal, a firm would not have been considered “well managed” under the

Insurance Supervisory Framework if it received a Deficient-1 rating for two or more component ratings. A firm would continue not to be considered “well managed” under the Insurance Supervisory Framework if it received a Deficient-2 rating for any of the component ratings. Additionally, the proposal made parallel changes to the Insurance Supervisory Framework to remove the presumption that firms with one or more Deficient-1 component ratings would be subject to an enforcement action. Instead, under the proposal, firms subject to the Insurance Supervisory Framework with one or more Deficient-1 component ratings may be subject to a formal or informal enforcement action, depending on particular facts and circumstances. The proposal maintained the presumption that a firm with one or more Deficient-2 component ratings would be subject to a formal enforcement action by the Board.

While the Board did not receive any comments specific to the Insurance Supervisory Framework, the Board considered relevant comments in the supervised insurance organization context and is finalizing as proposed the changes to the “well managed” definition and enforcement action presumption under the Insurance Supervisory Framework.

E. Changes to Appendix B: Framework for the Supervision of Insurance Organizations

This final notice makes minor changes to Appendix B: Framework for the Supervision of Insurance Organizations by updating certain references, including by removing a reference to reputational risk in its description of model risk. The Board has made clear that reputational risk is no longer a component that will be considered in examination programs and that this concept will be removed from supervisory materials.⁴⁷ Safety and soundness concerns that motivated the Board’s prior inclusion of reputational risk in supervision are adequately addressed through other existing risk types.

III. Economic Analysis

As outlined in previous sections, the revisions to the Frameworks contained in the final notice reflect experience with the LFI Framework since its

⁴⁴ There have been instances where the Board previously did not take formal and informal enforcement actions when Deficient-1 ratings were issued due to the particular relevant facts and circumstances underlying the issue resulting in the Deficient-1 rating.

⁴⁵ For example, the Board has previously explained that firms with a composite 3 rating under the CAMELS framework, “require more than normal supervision, which may include formal or informal enforcement actions.” See SR Letter 96–38, Uniform Financial Institutions Rating System (Dec. 27, 1996), <https://www.federalreserve.gov/boarddocs/srletters/1996/sr9638.htm>.

⁴⁶ 12 U.S.C. 1818.

⁴⁷ See Board of Governors of the Federal Reserve System, “Federal Reserve Board announces that reputational risk will no longer be a component of examination programs in its supervision of banks” (June 23, 2025), available at <https://www.federalreserve.gov/newsevents/pressreleases/bcreg20250623a.htm>.

introduction in 2018; better align the application of the Frameworks with the operation of the Board's other supervisory rating systems; and better reflect the financial and operational strength and resilience of firms subject to the Frameworks. The Board assessed the economic impact of the revisions to the Frameworks contained in the final notice on firms, on supervisory efficiency and efficacy, and on the broader economy. Specifically, the Board evaluated the potential impact on firms that will become "well managed" and the broader implications of adopting this change. The Board also evaluated the potential effects of the Frameworks' elimination of the presumption of enforcement actions in certain cases.

Additionally, the Board considered comments raised regarding the economic analysis of the proposal which are discussed in more detail throughout this section. While some commenters noted limitations in the economic analysis of the proposal, others thought that the economic analysis provided clear justification for the proposal.

The revisions to the Frameworks contained in the final notice will increase the number of firms that are "well managed" under the Frameworks and potentially reduce the number of enforcement actions for these firms, which have sufficient financial and operational strength and resilience to maintain safe and sound operations through a range of stressful conditions. Overall, firms that become "well managed" may face reduced enforcement-related compliance costs and fewer regulatory impediments to pursue certain activities, including investments in, and acquisitions of, certain non-bank financial companies.

The economic analysis is structured into four parts. Section III.A provides an overview of the baseline (that is, the previous Frameworks), describes the current state of the assignment of ratings, and discusses how these ratings can affect a firm's "well managed" status. Section III.B discusses the revisions to the Frameworks contained

in the final notice, outlines the specific changes being implemented, and estimates the change in the number of "well managed" firms under the final notice. Section III.C analyzes the potential benefits and costs associated with the changes relative to the baseline. Section III.D concludes.

A. Baseline

The previous Frameworks (discussed in detail in Section I.A) establish the baseline for the economic analysis. The Board has assessed the benefits and costs of the revisions to the Frameworks contained in the final notice (discussed in detail in Section III.C) relative to this baseline.

Under the previous Frameworks, a firm whose holding company received a Deficient-1 or Deficient-2 in any component rating was not considered "well managed." Furthermore, there was a presumption that firms with one or more Deficient-1 component ratings would be subject to a formal or informal enforcement action.

The ability of a banking organization to engage in certain activities under the BHC Act depends on the ratings of the holding company and the holding company's depository institution subsidiaries, which are assigned by the relevant federal banking agency. For instance, for a bank holding company to qualify as a financial holding company and engage in certain financial activities, a bank holding company and all its depository institution subsidiaries must be "well capitalized" and "well managed." Thus, regardless of its LFI ratings, a U.S. bank holding company may not be able to engage in certain expansionary activities if any of its subsidiary depository institutions' management or composite CAMELS rating is 3 or worse. A foreign banking organization (FBO) that has a combined ROCA (Risk Management, Operational Controls, Compliance, Asset Quality) rating of 3 or worse for its U.S. branches and agencies is not able to engage in certain activities under the BHC Act. Additionally, an FBO that has a combined U.S. operations (CUSO) rating of 3 or worse is similarly restricted.

Thus, as discussed in this section, a "well managed" firm refers to a banking organization where the holding company and all relevant subsidiaries are "well managed;" for FBOs, this means that their ROCA ratings and CUSO ratings are also at least satisfactory.

For the firms whose holding companies had LFI ratings in the third quarter of 2025, Figure 1 displays their ratings between the first quarter of 2020 to the third quarter of 2025 and categorizes them into three groups. The first category, "Not Satisfactory DI/FBO Ratings Only," shown in black, represents the number of firms whose depository institutions' composite or management ratings or whose combined ROCA or CUSO ratings were 3 or worse and whose holding company had all three LFI component ratings of either Broadly Meets Expectations or Conditionally Meets Expectations. The second category, "Not Satisfactory LFI Ratings Only," shown in dark grey, represents the number of firms where the holding company had one or more Deficient-1 or Deficient-2 LFI component ratings, but the subsidiary depository institutions' composite or management ratings and combined ROCA and CUSO ratings, if applicable, were 1 or 2. The third category, "Not Satisfactory LFI and DI/FBO Ratings," in light grey color, represents the number of firms whose subsidiary depository institutions' composite or management ratings or whose combined ROCA or CUSO ratings, if applicable, were 3 or worse and whose holding company had one or more Deficient-1 or Deficient-2 LFI component ratings. As of the third quarter of 2025, 17 out of 36 firms whose holding companies were subject to the LFI Framework were classified as not "well managed" at the holding company and/or depository institution^{48,49} level.

⁴⁸ For FBOs, this includes their ROCA ratings and CUSO ratings.

⁴⁹ Note that, for comparison purposes, this sample only includes firms that were subject to the LFI Framework in the third quarter of 2025. Thus, the number of firms increases throughout the sample.

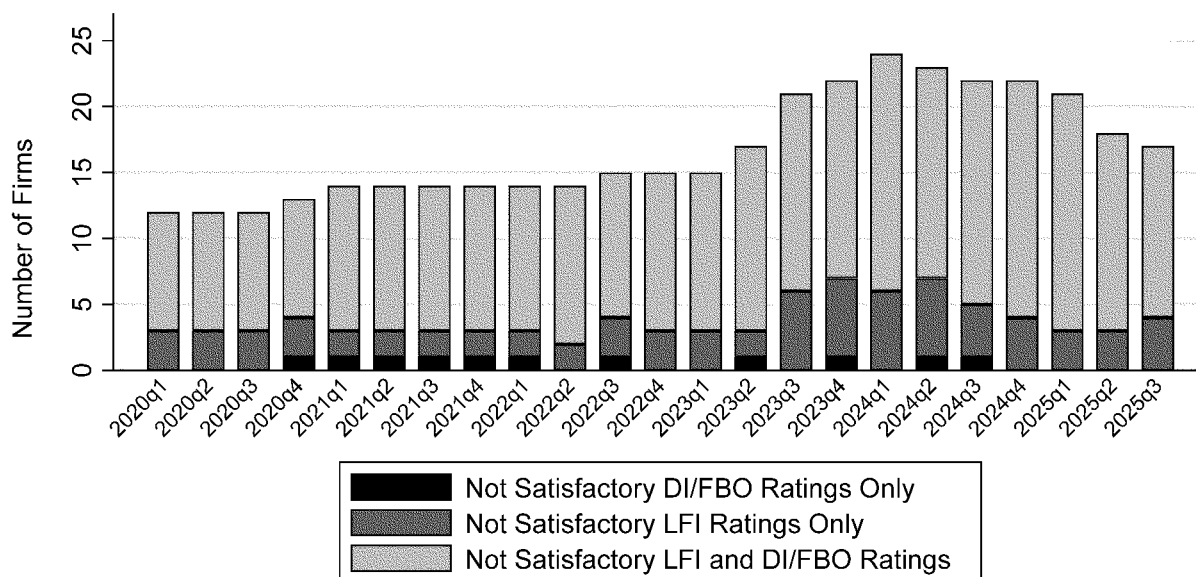
Figure 1: Number of not “well managed” firms by rating status⁴⁹

Figure 1 reveals an increase in the number of not “well managed” firms until early 2024, followed by a reversal. Ratings at the holding company and at the depository institution and FBO level usually coincide, and both contribute to, a firm being not “well managed,” as demonstrated by the large area of light grey bars. Nevertheless, LFI ratings alone can result in a non-trivial number of firms being not “well managed,” as demonstrated by the dark grey bars. As of the third quarter of 2025, three firms were not “well managed” solely due to their LFI ratings. Moreover, there were very few instances when a firm was not “well managed” based only on the ratings of its subsidiaries or U.S. branches and agencies or operations—only eleven instances in the whole period according to Figure 1—as demonstrated by the black bars.

In the second quarter of 2025, the average common equity tier 1 capital (CET1) ratio for not “well managed” firms subject to the LFI Framework was approximately 3 percentage points higher compared to their “well managed” peers.⁵⁰ Moreover, between the first quarter of 2020 and the second quarter of 2025, the average CET1 capital over standardized approach risk weighted assets of large financial institutions increased by more than 1 percentage point. This indicates a potential misalignment between the

results of the current LFI Framework and the financial condition of these firms.⁵¹ Furthermore, the associated presumption of an enforcement action in these cases may have caused the Board to allocate examination, remediation, and enforcement resources to financially strong firms.

Some commenters challenged the validity of drawing conclusions based on data over this time period. The only economic recession since the global financial crisis has been the COVID-19 crisis, which some commenters asserted is unusual in terms of government intervention and, therefore, may not be an appropriate time period for analysis.⁵² The Board notes that it is only possible to analyze the LFI Framework after its implementation. Although the time period included in the analysis includes a macroeconomic environment that includes a novel type of shock, the data used in the analysis provide valuable insights into the overall economic impact of the proposal.

Some commenters expressed concerns with the Board’s discussion on misalignment between the LFI Framework and the financial condition of firms subject to the LFI Framework. One commenter noted that, contrary to

the analysis in the proposal, certain measures of capital ratios have declined in recent years for large firms, tracking the downward trajectory of LFI ratings. This commenter stated that the leverage ratio should be used to measure bank capital instead of the risk-weighted regulatory capital ratio. By contrast, one commenter agreed with the Board’s analysis that the upward trend in the number of firms being considered not “well managed” until 2024 has occurred during a period when the regulatory capital ratios of large financial institutions as a group remained generally stable around 13 percent. Consistent with this comment, research suggests that the risk-weighted measure better aligns incentives for both efficient lending and risk-taking during normal times.⁵³ Moreover, the leverage ratio is intended to generally serve as a backstop to risk-based requirements.⁵⁴

Additionally, one commenter noted that Congress requires separate assessments of whether a firm is “well managed” and “well capitalized,” which recognizes that strong capital does not necessarily indicate competent management. Accordingly, the commenter claims that the Board’s justification of the proposal by pointing to the capital levels of firms subject to the LFI Framework is flawed, as

⁵¹ Accordingly, commenters stated that if the banking system as a whole is characterized as strong and resilient, the majority of large banks should not be rated as not “well managed.”

⁵² See National Bureau of Economic Research, “US Business Cycle Expansions and Contractions,” <https://www.nber.org/research/data/us-business-cycle-expansions-and-contractions> (last accessed September 16, 2025)

⁵³ See Greenwood, Robin, Samuel Gregory Hanson, Jeremy C. Stein & Adi Sunderam, “Strengthening and Streamlining Bank Capital Regulation,” *Brookings Papers on Economic Activity* (Fall 2017).

⁵⁴ See 90 FR 30780, 30782 (July 10, 2025).

⁵⁰ The average CET1 capital over standardized approach risk weighted assets between the first quarter of 2020 and the second quarter of 2025 across large financial institutions was approximately 13.4 percent.

collapsing these statutory requirements contradicts Congressional intent.

The Board agrees that assessments of whether a banking organization is “well managed” and “well capitalized” are separate and distinct. However, areas of financial strength, including capital and liquidity, are relevant to a firm’s “well managed” status, as “well managed” firms under the LFI Framework must have “sufficient financial and operational strength and resilience to maintain safe and sound operations through a range of conditions, including stressful ones.” Thus, a large number of not “well managed” firms, despite clear indications of large firms’ financial strength, may suggest a misalignment between the LFI Framework and the financial and operational strength and resilience of firms subject to the LFI Framework. Under the LFI Framework, a firm would need to be satisfactory with respect to multiple areas of firm management, not solely capital, to be considered “well managed.”

B. Revisions to the Frameworks Contained in the Final Notice Relative to Baseline

As discussed in detail in Section II, the revisions to the Frameworks

contained in the final notice maintain all elements of the previous Frameworks except for two key changes. These two key changes are that the criteria for a firm to be “well managed” under the Frameworks are adjusted, and the enforcement action presumption is modified.

The impact of these revisions will vary depending on the number of firms whose holding company has a Deficient-1 rating for one component and a Broadly Meets Expectations or Conditionally Meets Expectations for the remaining two components. In addition to the direct effect on a firm’s “well managed” status, LFI ratings are an input to the CUSO rating for foreign banking organizations and there might be other interrelations between ratings that are hard to quantify.⁵⁵ Consequently, assessing the impact of the LFI Framework change alone and assuming that all other ratings would not be affected might underestimate the true effect, and thus provides a lower bound. Conversely, the upper bound of the proposal’s effects would be obtained by computing the number of not “well managed” firms as determined by LFI ratings alone, which assumes that the

depository institution or FBO ratings are not more limiting on the firm than the LFI ratings. Therefore, the Board calculated the number of not “well managed” firms for both the baseline and the revisions to the LFI Framework contained in the final notice (Revised LFI Framework) under the following two metrics:

Metric 1: Not “well managed” firms under the BHC Act (based on LFI rating, or bank CAMELS rating, or equivalent for FBOs).

Metric 2: Not “well managed” holding companies under the LFI Framework.

Metric 1 is equivalent to the sum of all 3 categories presented in Figure 1. Metric 2 corresponds to the sum of two categories “Not Satisfactory LFI Ratings Only” and “Not Satisfactory LFI and DI/ FBO Ratings” in Figure 1. Table 1 presents the estimated number of not “well managed” firms under both the baseline and the Revised LFI Framework for both metrics, which uses a sample of all 36 firms subject to the LFI Framework in the third quarter of 2025.

TABLE 1—ESTIMATED NUMBER OF NOT “WELL MANAGED” FIRMS IN THE THIRD QUARTER OF 2025

	Baseline framework		Revised framework	
	Metric 1	Metric 2	Metric 1	Metric 2
Number of Firms	17	17	14	10

As of the third quarter of 2025, under the baseline, 17 out of 36 firms would be considered not well managed if LFI ratings and depository institution/FBO ratings were considered (Metric 1), and 17 out of 36 firms would be considered not well managed if only the LFI ratings were considered (Metric 2). Under the Revised LFI Framework, 14 out of 36 firms would be not “well managed” under Metric 1 and only 10 out of 36 firms would be classified as not “well managed” under Metric 2 considering the LFI ratings only. The expected effect of the revisions to the LFI Framework

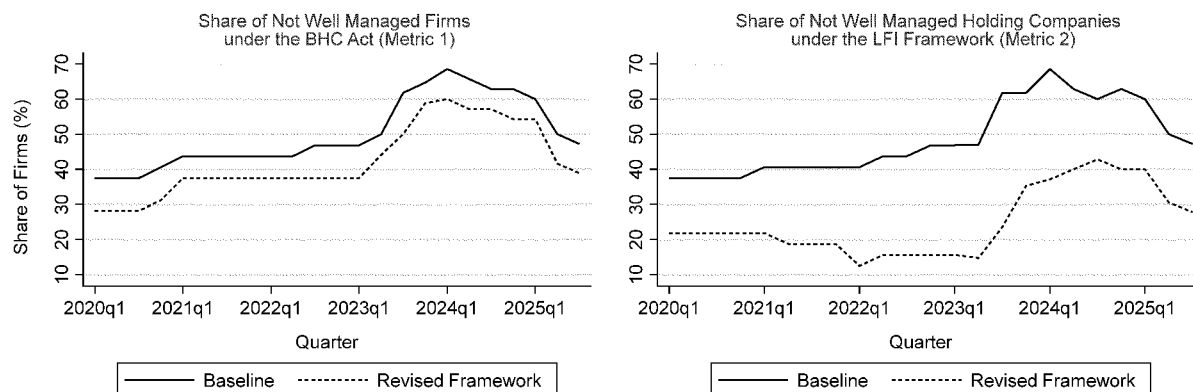
⁵⁵ See 83 FR 58724, 58727 (Nov. 21, 2018) (“[T]he LFI rating assigned to the U.S. IHC would be an input into the rating of the combined U.S. operations of a foreign bank.”).

contained in the final notice likely lies between Metric 1 and Metric 2. On one hand, Metric 1 may underestimate the impact of the proposal when viewed over time due to potential future changes to ratings at the depository institution/FBO level and the fact that LFI ratings are an input to CUSO ratings for foreign banking organizations.⁵⁶ On the other hand, Metric 2 overestimates the impact by not considering any ratings other than the LFI ratings. Overall, these results imply that the final notice would change the “well managed” status of firms subject to the LFI Framework in the near term by between 3 and 7 firms. Figure 2 illustrates the share of not “well

⁵⁶ 83 FR 58724 (Nov. 21, 2018).

managed” firms under the baseline and the Revised LFI Framework over time, using either Metric 1 (left panel) or Metric 2 (right panel). The share increased between the first quarter of 2020 to the third quarter of 2025, with a notable and sharp increase in 2023.

Figure 2 documents that the estimated impact, under both metrics, is not driven by the choice of using the third quarter of 2025 data to evaluate the change. In fact, across the sample period, the revisions to the LFI Framework contained in the final notice under both Metric 1 and Metric 2 would have consistently resulted in a smaller share of firms that are not “well managed.”

Figure 2: Share of not “well managed” firms⁵⁷

Likewise, of the 4 firms subject to the Insurance Supervisory Framework as of the third quarter of 2025, 1 of these firms will become “well managed” under the revisions to the Insurance Supervisory Framework contained in the final notice.

C. Analysis of Benefits and Costs

This section assesses the benefits and costs of the revisions to the Frameworks contained in the final notice relative to the baseline. The consequences of modifying the Frameworks primarily stem from allocating supervisory resources more efficiently and from potentially altering a firm’s “well managed” status and the subsequent implications, as well as modifying the enforcement action presumption. The previous section estimated that the number of impacted firms stemming from the revisions to the LFI Framework will be between 3 and 7 out of 36, using the third quarter of 2025 as the baseline. Further, under the revisions to the Insurance Supervisory Framework contained in the final notice, 1 firm will become “well managed” out of 4 firms subject to the Insurance Supervisory Framework. Therefore, the benefits and costs of the proposed changes that are discussed below will materialize in part for those firms and more broadly, over the long run, through revised rating frameworks that align ratings more closely with the financial condition of the supervised firms.

1. Benefits

a. Supervisory Efficiency and Efficacy

The revisions to the Frameworks contained in the final notice remove the presumption that firms with one or more Deficient-1 component ratings will be subject to a formal or informal enforcement action. They also change the definition of “well managed” to better reflect the firms’ overall condition and to align with other supervisory rating frameworks, as described above. This alignment across frameworks and reflection of firms’ overall condition could lead to more consistent and effective supervision.

The changes could also allow supervisors to allocate resources more efficiently, concentrating on significant risks, and thus enhancing overall supervision. For instance, the removal of the presumption in the Frameworks that firms with one or more Deficient-1 component ratings will be subject to a formal or informal enforcement action could provide supervisory teams with the ability to more efficiently allocate resources based on the severity of the issues that are identified and the needed remediation.

One commenter asserted that less burden on supervisors was not worth the impact on safety and soundness. As discussed in Section II.A, the Frameworks will still allow supervisors to communicate concerns about risks and assign ratings based on the level of supervisory concern. Further, supervisors will retain the ability to impose a formal or informal enforcement action for firms with Deficient-1 ratings, as appropriate, depending on relevant facts and circumstances. The Board will continue only to take formal and informal

enforcement actions if the relevant standards are met.⁵⁸

b. Reduction of Compliance Costs and Other Impediments to Growth

Firms that become “well managed” as a result of this final notice may experience reduced compliance costs and associated burdens on management resulting from removing the presumption of certain enforcement actions. This reduction in enforcement-related expenses and efforts could enable institutions to invest more resources in core business operations. Consequently, this reallocation of resources has the potential to promote innovation and growth, as firms may have increased capacity to develop new products, services, or technologies that benefit consumers and the broader economy. It could also permit them to focus more managerial attention on tackling business challenges, thus supporting the financial intermediation activities of these firms.

Between the first quarter of 2020 and the third quarter of 2025, following the implementation of the LFI Framework, the Board estimates that the loss of “well managed” status was associated with slower growth in assets and loans. Figure 3 shows that the average growth rate in total assets one year before the loss of “well managed” status (pre) is about 3.5 percent, smaller than the yearly average growth rate of firms that were always “well managed” throughout the sample (control) of approximately 6.7 percent. By contrast, in the year after a ratings downgrade that results in a firm becoming not “well managed” (post), growth in total assets dropped by more than two thirds to

⁵⁷ Note that, for comparison purposes, this sample only includes firms that were subject to the LFI Framework in the third quarter of 2025. Thus, the number of firms increases throughout the sample.

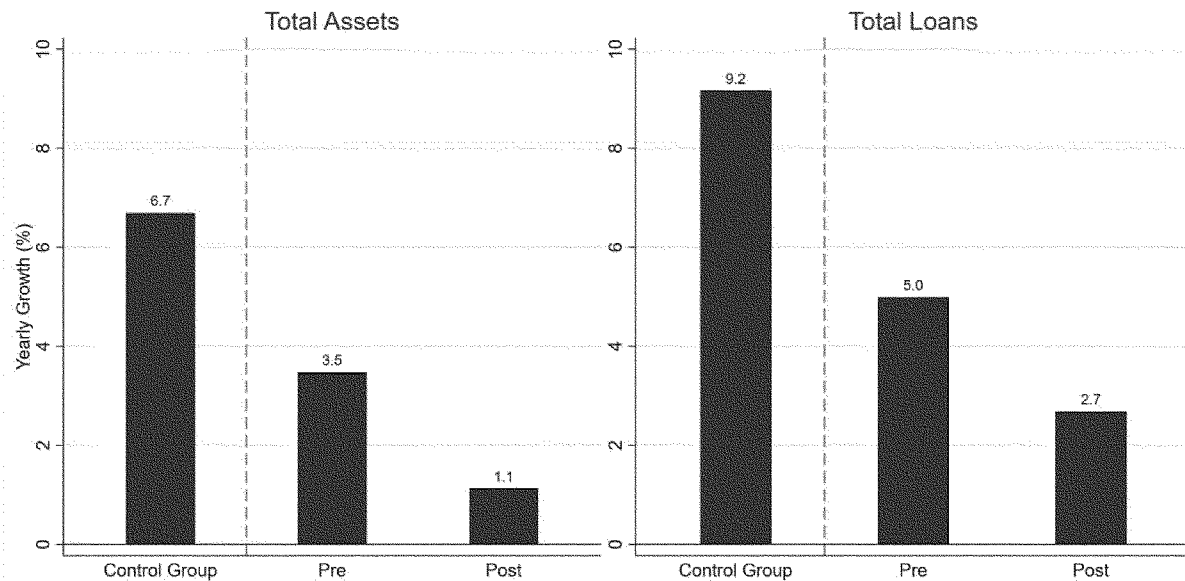
⁵⁸ 12 U.S.C. 1818.

about 1.1 percent. The same findings hold true for growth in total loans. Taken together, this analysis indicates that the revisions to the LFI Framework contained in the final notice have the potential to promote growth at firms

that become “well managed.” Moreover, as fewer firms that have sufficient financial and operational strength and resilience to maintain safe and sound operations through a range of conditions due to their overall robustness will be

classified as not “well managed” in the future due to these changes, the changes contained in the final notice could bolster the overall growth of large banking organizations and thus foster economic activity.

Figure 3: Annual growth rates in firms’ assets and loans before and after a downgrade to not “well managed”⁵⁹



While the analysis indicates a decrease in the growth of total assets and total loans as a firm moves to not “well managed,” the observed decline may reflect multiple factors beyond just the loss of “well managed” status. These factors could include underlying issues that contributed to the downgrade, such as deteriorating performance or governance challenges. Moreover, it is possible that the remediation efforts required to address the issues that led to the supervisory downgrade could be a driver of the observed slower growth, even before the status change.

Some commenters agreed with the finding in the proposal that the loss of “well managed” status is associated with a decline in the growth of an institution’s total assets and total loans, as firms have been limited in their

ability to make new investments or acquisitions, expand their products, services or branch networks, and carry out internal reorganizations. Other commenters stated that rapid bank growth is not necessarily desirable, as certain research suggests rapid bank growth has been associated with a higher likelihood of distress, particularly when the growth is fueled by mergers or acquisitions.⁶⁰ Some research suggests that certain forms of growth fueled by mergers and acquisitions, such as asset purchases and sales, generate shareholder value and improve the allocative efficiency of capital.⁶¹ Furthermore, the revisions to the Frameworks contained in the final notice are designed to remove an impediment to growth for firms that have the financial and operational

strength and resilience to maintain safe and sound operations through a range of conditions, including stressful ones. As the final notice does not change the criteria for determining a firm’s component ratings, firms that grow in a manner that poses risks to safety and soundness will be assigned component ratings that reflect that risk.

Under the revisions to the Frameworks contained in the final notice, more firms with sufficient financial and operational strength and resilience to maintain safe and sound operations through a range of conditions will be able to engage in certain business initiatives and strategic opportunities without obtaining prior Board approval due to the changes to the “well managed” criteria, as permitted by statute. Besides the reduction in enforcement-related compliance costs for these firms, these activities can also promote stronger growth via economies of scale.⁶² As institutions grow larger, they can spread fixed costs—such as technology

⁵⁹ This figure plots the unweighted average growth in total assets and total loans for firms which were downgraded to not “well managed” between the first quarter of 2020 and the third quarter of 2025 in the one year before (pre) and one year after (post) the change. For comparison, the yearly unweighted average growth rate of firms which were always “well managed” throughout the sample (control group) were computed. A red dashed vertical line separates the control and treated groups.

⁶⁰ See W. Scott Frame, Ping McLemore & Atanas Mihov, Federal Reserve Bank of Dallas, “Haste Makes Waste: Banking Organization Growth and Operational Risk” at 2 (Aug. 2020), <https://www.dallasfed.org/-/media/documents/research/papers/2020/wp2023.pdf>.

⁶¹ See Missaka Warusawitharana, “Corporate asset purchases and sales: Theory and evidence,” 87 *Journal of Financial Economics* 471, 471–497 (Feb. 2008), <https://doi.org/10.1016/j.jfineco.2007.02.005>.

⁶² See David C. Wheelock & Paul W. Wilson, “The Evolution of Scale Economies in US Banking,” 33 *Journal of Applied Economics* 16, 16–28 (June 2017), <https://doi.org/10.1002/jae.2579>.

investments, compliance infrastructure, and branch operations—over a broader and larger base of customers and assets, potentially improving operational efficiency.

The revisions to the Frameworks contained in the final notice could also make it easier for firms that meet the required standards of strength and resilience to expand into non-bank financial activities, which can generate economies of scope and increase opportunities for innovation. By expanding into new markets and business areas, firms could realize significant synergies from integrating banking, investment, and technology-based services. Encouraging firms' engagement with innovative financial sectors could also significantly enhance consumer access to a broader range of financial services. For example, investments in fintech could not only foster technological advancement but also contribute to broader financial sector resilience.⁶³ Consumers and businesses might benefit from lower costs due to these investments, along with synergies and operational efficiencies stemming from potential investments in, or acquisitions of, non-bank financial companies. Simultaneously, firms could diversify revenue streams beyond traditional banking activities, which could enhance financial stability by reducing their reliance on particular business lines.

Some commenters questioned whether reduced compliance costs leading to greater growth, investment, and economics of scale should be considered a benefit of the proposal, noting that poorly managed firms become riskier as they grow and are more likely to fail. Additionally, one commenter contended that the purpose of Board supervision was to encourage safety and soundness, not innovation or growth. As previously discussed, the Board emphasizes that the Frameworks will still allow supervisors to communicate concerns about risks and assign ratings based on the level of supervisory concern. The changes in the final notice will continue to support safety and soundness objectives, while also allowing for robust innovation, which facilitates growth more broadly.

Additionally, one commenter expressed that diversification by firms subject to the LFI Framework would increase systemic vulnerabilities due to perceived linkages, increasing the potential for negative spillover effects

from distress at one firm to others, even if the firm ultimately remained solvent.⁶⁴ Another commenter noted that operational risk due to increased complexity may rise with the size of a firm. Complexity and scale do carry risks as well as benefits, and the changes contained in this final notice balance these risks and benefits by amending the definition of "well managed" to account for a firm's overall financial condition.

In addition, a commenter stated that the Board overstates the purported benefits of the proposal because the Board has never revoked financial holding company status.⁶⁵ However, other commenters noted that the loss of "well managed" status hampers firms' ability to innovate, be competitive, create economic growth, and serve their customers. The Board notes that a firm's "well managed" status may have relevance separate and apart from a firm's financial holding company status.⁶⁶ Furthermore, firm activities can be limited by supervisory actions apart from loss of financial holding company status.

2. Costs

The revisions to the Frameworks contained in the final notice, while enhancing supervisory efficiency, may result in a slight increase in risk-taking by firms that have sufficient financial and operational strength and resilience to maintain safe and sound operations through a range of conditions. With the removal of the presumption that firms with one or more Deficient-1 component ratings will be subject to a formal or informal enforcement action, institutions might be marginally less incentivized to immediately address issues underlying a single Deficient-1 component rating.

One commenter stated that the proposal would lower the bar for large firms to be considered "well managed" and would accelerate consolidation, further concentrating market power and posing competitive challenges to smaller banks while also exacerbating

the problem of too big to fail institutions. Firms that would no longer face certain regulatory constraints to undertake expansionary activities under the proposal could accumulate market share and increase concentration. Moreover, marginally greater consolidation and growth of large institutions could concentrate risk within fewer, larger entities and more complex financial institutions could become more difficult to manage, monitor, and supervise effectively.⁶⁷

Notwithstanding, these risks are likely to be small, as firms with a Deficient-1 rating may still receive specific supervisory findings in the form of Matters Requiring Attention or Matters Requiring Immediate Attention, which would detail issues that need to be remediated. Furthermore, the possibility of becoming not "well managed" due to a further rating decline to Deficient-2 could provide an incentive for firms to address potential deficiencies.⁶⁸ Importantly, supervisors will continue to monitor the remediation of supervisory issues and retain the ability to impose enforcement actions where necessary, thus limiting this cost and ensuring that these issues are resolved in an appropriate timeframe. Further, as noted above, an application to engage in expansionary activities that require prior Board approval or non-objection would continue to be reviewed under applicable statutory factors, including, in certain instances, how such proposals would impact competition and financial stability.⁶⁹

D. Conclusion

The revisions to the Frameworks contained in the final notice could alleviate constraints faced by large financial institutions and supervised insurance organizations arising from the current requirements for a firm to be considered "well managed." By enabling firms to potentially realize economies of scale and scope, the revisions to the Frameworks could enhance operational efficiency and promote financial innovation. Supervisors retain appropriate tools to address a potential increase in risk-taking by firms. Taken together, the Board expects that the benefits of the

⁶³ See Emma Li et al., "Banks' investments in fintech ventures," 149 *Journal of Banking & Finance* 106754, 106754–97 (Oct. 2022), <https://dx.doi.org/10.2139/ssrn.3979248>.

⁶⁴ See Andrew Hawley & Marco Migueis, FRB, *FEDS Notes: Measuring the systemic importance of large US banks* (Sept. 2021), <https://www.federalreserve.gov/econres/notes/feds-notes/measuring-the-systemic-importance-of-large-us-banks-20210930.html>. See also Amy G. Lorenc & Jeffery Y. Zhang, Board of Governors of the Federal Reserve System, "The Differential Impact of Bank Size on Systemic Risk," *Finance and Economics Discussion Series* 2018–066 at 2 (2018), <https://doi.org/10.17016/FEDS.2018.066>.

⁶⁵ See Jeremy C. Kress, "Solving Banking's 'Too Big to Manage' Problem," 104 *Minnesota Law Review* 171 (2019).

⁶⁶ See, e.g., 12 U.S.C. 1842(d) and 1843(j); 12 CFR 225.4(b)(6), 225.14, 225.22(a), 225.23; 12 CFR 211.9(b), 211.10(a)(14), 211.34; and 12 CFR 223.41.

⁶⁷ Gary H. Stern & Ron J. Feldman, *Too Big to Fail: The Hazards of Bank Bailouts* (Forward by Paul A. Volcker) (Brookings Institution Press, 2009).

⁶⁸ For firms subject to the Insurance Supervisory Framework, the possibility of losing "well managed" status due to further rating decline to Deficient-2 provides an incentive to address potential deficiencies promptly given the potential impact on their ability to engage in insurance underwriting activities.

⁶⁹ See, e.g., 12 U.S.C. 1842(c); 12 U.S.C. 1843(j)(2).

changes to the Frameworks contained in the final notice justify the costs.

IV. Administrative Law Matters

A. Solicitation of Comments and Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act⁷⁰ requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The Board received no comments on these matters and believes that the final notice is written plainly and clearly.

B. Paperwork Reduction Act

There is no collection of information required by the final notice that would be subject to the Paperwork Reduction Act of 1995.⁷¹

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and-comment rulemaking requirements, unless the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.⁷² The final notice would not impose any obligations on regulated entities, and regulated entities would not need to take any action in response to the final notice. The Board certifies that the final notice will not have a significant economic impact on a substantial number of small entities.⁷³

D. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act (RCDRIA),⁷⁴ in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions (IDIs), each Federal banking agency must consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition,

section 302(b) of RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form.⁷⁵ The Board has determined that the final notice would not impose additional reporting, disclosure, or other requirements on IDIs; therefore, the requirements of the RCDRIA do not apply.

This Appendix A and Appendix B will not publish in the CFR.

Appendix A—Text of Proposed Large Financial Institution Rating System

A. Overview

Each large financial institution (LFI) is expected to ensure that the consolidated organization (or the combined U.S. operations in the case of foreign banking organizations), including its critical operations and banking offices, remains safe and sound and in compliance with laws and regulations, including those related to consumer protection.⁷⁶ The LFI rating system provides a supervisory evaluation of whether a covered firm possesses sufficient financial and operational strength and resilience to maintain safe and sound operations through a range of conditions, including stressful ones.⁷⁷ The LFI rating system applies to bank holding companies with total consolidated assets of \$100 billion or more; all non-insurance, non-commercial savings and loan holding companies with total consolidated assets of \$100 billion or more; and U.S.

⁷⁵ 12 U.S.C. 4802.

⁷⁶ See SR Letter 12–17/CA Letter 12–14, “Consolidated Supervisory Framework for Large Financial Institutions,” at <http://www.federalreserve.gov/bankinforeg/srletters/sr1217.htm>. Hereinafter, when “safe and sound” or “safety and soundness” is used in this framework, related expectations apply to the consolidated organization and the firm’s critical operations and banking offices.

“Critical operations” are a firm’s operations, including associated services, functions and support, the failure or discontinuance of which, in the view of the firm or the Federal Reserve, would pose a threat to the financial stability of the United States.

“Banking offices” are defined as U.S. depository institution subsidiaries, as well as the U.S. branches and agencies of foreign banking organizations.

⁷⁷ “Financial strength and resilience” is defined as maintaining effective capital and liquidity governance and planning processes, and sufficiency of related positions, to provide for the continuity of the consolidated organization (including its critical operations and banking offices) through a range of conditions.

“Operational strength and resilience” is defined as maintaining effective governance and controls to provide for the continuity of the consolidated organization (including its critical operations and banking offices) and to promote compliance with laws and regulations, including those related to consumer protection, through a range of conditions.

References to “financial or operational” weaknesses or deficiencies implicate a firm’s financial or operational strength and resilience.

intermediate holding companies of foreign banking organizations with combined U.S. assets of \$50 billion or more established pursuant to the Federal Reserve’s Regulation YY.⁷⁸

The LFI rating system is designed to:

- Fully align with the Federal Reserve’s current supervisory programs and practices, which are based upon the LFI supervision framework’s core objectives of reducing the probability of LFIs failing or experiencing material distress and reducing the risk to U.S. financial stability;

- Enhance the clarity and consistency of supervisory assessments and communications of supervisory findings and implications; and

- Provide transparency related to the supervisory consequences of a given rating.

The LFI rating system is comprised of three components:

- *Capital Planning and Positions*: An evaluation of (i) the effectiveness of a firm’s governance and planning processes used to determine the amount of capital necessary to cover risks and exposures, and to support activities through a range of conditions and events; and (ii) the sufficiency of a firm’s capital positions to comply with applicable regulatory requirements and to support the firm’s ability to continue to serve as a financial intermediary through a range of conditions.

- *Liquidity Risk Management and Positions*: An evaluation of (i) the effectiveness of a firm’s governance and risk management processes used to determine the amount of liquidity necessary to cover risks and exposures, and to support activities through a range of conditions; and (ii) the sufficiency of a firm’s liquidity positions to comply with applicable regulatory requirements and to support the firm’s ongoing obligations through a range of conditions.

- *Governance and Controls*: An evaluation of the effectiveness of a firm’s (i) board of directors,⁷⁹ (ii) management of business lines and independent risk management and controls,⁸⁰ and (iii) recovery planning (only

⁷⁸ Total consolidated assets will be calculated based on the average of the firm’s total consolidated assets in the four most recent quarters as reported on the firm’s quarterly financial reports filed with the Federal Reserve. A firm will continue to be rated under the LFI rating system until it has less than \$95 billion in total consolidated assets, based on the average total consolidated assets as reported on the firm’s four most recent quarterly financial reports filed with the Federal Reserve. The Federal Reserve may determine to apply the RFI rating system or another applicable rating system in certain limited circumstances.

⁷⁹ References to “board” or “board of directors” in this framework includes the equivalent to a board of directors, as appropriate, as well as committees of the board of directors or the equivalent thereof, as appropriate.

At this time, recovery planning expectations only apply to domestic bank holding companies subject to the Federal Reserve’s LISC supervisory framework. Should the Federal Reserve expand the scope of recovery planning expectations to encompass additional firms, this rating will reflect such expectations for the broader set of firms.

⁸⁰ The evaluation of the effectiveness of management of business lines would include management of critical operations.

⁷⁰ Public Law 106–102, sec. 722, 113 Stat. 1338, 1471 (1999), 12 U.S.C. 4809.

⁷¹ 44 U.S.C. 3501 *et seq.*

⁷² 5 U.S.C. 601–612.

⁷³ 5 U.S.C. 605(b).

⁷⁴ 12 U.S.C. 4802(a).

for domestic firms that are subject to the Board's Large Institution Supervision Coordinating Committee (LISCC) Framework).⁸¹ This rating assesses a firm's effectiveness in aligning strategic business objectives with the firm's risk appetite and risk management capabilities; maintaining effective and independent risk management and control functions, including internal audit; promoting compliance with laws and regulations, including those related to consumer protection; and otherwise planning for the ongoing resiliency of the firm.⁸²

B. Assignment of the LFI Component Ratings

Each LFI component rating is assigned along a four-level scale:

- **Broadly Meets Expectations:** A firm's practices and capabilities broadly meet supervisory expectations, and the firm possesses sufficient financial and operational strength and resilience to maintain safe-and-sound operations through a range of conditions. The firm may be subject to identified supervisory issues requiring corrective action. These issues are unlikely to present a threat to the firm's ability to maintain safe-and-sound operations through a range of conditions.

- **Conditionally Meets Expectations:** Certain, material financial or operational weaknesses in a firm's practices or capabilities may place the firm's prospects for remaining safe and sound through a range of conditions at risk if not resolved in a timely manner during the normal course of business.

The Federal Reserve does not intend for a firm to be assigned a "Conditionally Meets Expectations" rating for a prolonged period, and will work with the firm to develop an appropriate timeframe to fully resolve the issues leading to the rating assignment and merit upgrade to a "Broadly Meets Expectations" rating.

A firm is assigned a "Conditionally Meets Expectations" rating—as opposed to a "Deficient" rating—when it has the ability to resolve these issues through measures that do not require a material change to the firm's business model or financial profile, or its governance, risk management, or internal control structures or practices. Failure to resolve the issues in a timely manner would most likely result in the firm's downgrade to a "Deficient" rating, since the inability to resolve the issues would indicate that the firm does not possess sufficient financial or operational capabilities to maintain its safety and soundness through a range of conditions.

It is recognized that completion and validation of remediation activities for select supervisory issues—such as those involving

information technology modifications—may require an extended time horizon. In all instances, appropriate and effective risk mitigation techniques must be utilized in the interim to maintain safe-and-sound operations under a range of conditions until remediation activities are completed, validated, and fully operational.

- **Deficient-1:** Financial or operational deficiencies in a firm's practices or capabilities put the firm's prospects for remaining safe and sound through a range of conditions at significant risk. The firm is unable to remediate these deficiencies in the normal course of business, and remediation would typically require the firm to make a material change to its business model or financial profile, or its practices or capabilities.

A firm's failure to resolve the issues in a timely manner that gave rise to a "Conditionally Meets Expectations" rating would most likely result in its downgrade to a "Deficient" rating. A firm with a "Deficient-1" rating is required to take timely corrective action to correct financial or operational deficiencies and to restore and maintain its safety and soundness and compliance with laws and regulations, including those related to consumer protection. Firms with one or more "Deficient-1" component ratings may be subject to an informal or formal enforcement action, depending on particular facts and circumstances. Two or more component ratings of "Deficient-1" could be a barrier for a firm seeking Federal Reserve approval to engage in new or expansionary activities.

- **Deficient-2:** Financial or operational deficiencies in a firm's practices or capabilities present a threat to the firm's safety and soundness, or have already put the firm in an unsafe and unsound condition.

A firm with a "Deficient-2" rating is required to immediately implement comprehensive corrective measures, and demonstrate the sufficiency of contingency planning in the event of further deterioration. There is a strong presumption that a firm with a "Deficient-2" rating will be subject to a formal enforcement action, and the Federal Reserve would be unlikely to approve any proposal from a firm with this rating to engage in new or expansionary activities.

The Federal Reserve will take into account a number of individual elements of a firm's practices, capabilities, and performance when making each component rating assignment. The weighting of an individual element in assigning a component rating will depend on its impact on the firm's safety, soundness, and resilience as provided for in the LFI rating system definitions. For example, for purposes of the Governance and Controls rating, a limited number of significant deficiencies—or even just one significant deficiency—noted for management of a single material business line could be viewed as sufficiently important to warrant a "Deficient-1" for the Governance and Controls component rating, even if the firm meets supervisory expectations under the Governance and Controls component in all other respects.

Under the LFI rating system, a firm must be rated "Broadly Meets Expectations" or

"Conditionally Meets Expectations" for each of the three component ratings (Capital, Liquidity, Governance and Controls), or rated "Deficient-1" in one component and "Broadly Meets Expectations" or "Conditionally Meets Expectations" for each of the other two components, to be considered "well managed" in accordance with various statutes and regulations.⁸³ A firm rated "Deficient-1" for two or more rating components or "Deficient-2" for any rating component would not be considered "well managed," which would subject the firm to various consequences. The Federal Reserve would be unlikely to approve any proposal from a firm rated "Deficient-2" for any rating component to engage in new or expansionary activities. A firm rated "Deficient-1" for two or more rating component would not be considered "well managed," which would subject the firm to various consequences. Two or more "Deficient-1" ratings could be a barrier for a firm seeking Federal Reserve approval of a proposal to engage in new or expansionary activities, unless the firm can demonstrate that (i) it is making meaningful, sustained progress in resolving identified deficiencies and issues; (ii) the proposed new or expansionary activities would not present a risk of exacerbating current deficiencies or issues or lead to new concerns; and (iii) the proposed activities would not distract the firm from remediating current deficiencies or issues. A "well managed" firm has sufficient financial and operational strength and resilience to maintain safe-and-sound operations through a range of conditions, including stressful ones.

C. LFI Rating Components

The LFI rating system is comprised of three component ratings:⁸⁴

1. Capital Planning and Positions Component Rating

The Capital Planning and Positions component rating evaluates (i) the effectiveness of a firm's governance and planning processes used to determine the amount of capital necessary to cover risks and exposures, and to support activities through a range of conditions; and (ii) the sufficiency of a firm's capital positions to comply with applicable regulatory requirements and to support the firm's ability to continue to serve as a financial intermediary through a range of conditions.

In developing this rating, the Federal Reserve evaluates:

- **Capital Planning:** The extent to which a firm maintains sound capital planning practices through effective governance and oversight; effective risk management and controls; maintenance of updated capital

⁸³ 12 U.S.C. 1841 *et seq.* and 12 U.S.C. 1461 *et seq.* See, e.g., 12 CFR 225.4(b)(6), 225.14, 225.22(a), 225.23, 225.85, and 225.86; 12 CFR 211.9(b), 211.10(a)(14), and 211.34; and 12 CFR 223.41.

⁸⁴ There may be instances where deficiencies or supervisory issues may be relevant to the Federal Reserve's assessment of more than one component area. As such, the LFI rating will reflect these deficiencies or issues within multiple rating components when necessary to provide a comprehensive supervisory assessment.

⁸¹ There are eight domestic firms in the LISCC portfolio: (1) Bank of America Corporation; (2) Bank of New York Mellon Corporation; (3) Citigroup, Inc.; (4) Goldman Sachs Group, Inc.; (5) JP Morgan Chase & Co.; (6) Morgan Stanley; (7) State Street Corporation; and (8) Wells Fargo & Company. In this guidance, these eight firms may collectively be referred to as "domestic LISCC firms."

⁸² "Risk appetite" is defined as the aggregate level and types of risk the board and senior management are willing to assume to achieve the firm's strategic business objectives, consistent with applicable capital, liquidity, and other requirements and constraints.

policies and contingency plans for addressing potential shortfalls; and incorporation of appropriately stressful conditions into capital planning and projections of capital positions; and

- *Capital Positions*: The extent to which a firm's capital is sufficient to comply with regulatory requirements, and to support its ability to meet its obligations to depositors, creditors, and other counterparties and continue to serve as a financial intermediary through a range of conditions.

Definitions for the Capital Planning and Positions Component Rating

Broadly Meets Expectations

A firm's capital planning and positions broadly meet supervisory expectations and support maintenance of safe-and-sound operations. Specifically:

- The firm is capable of producing sound assessments of capital adequacy through a range of conditions; and
- The firm's current and projected capital positions comply with regulatory requirements, and support its ability to absorb current and potential losses, to meet obligations, and to continue to serve as a financial intermediary through a range of conditions.

A firm rated "Broadly Meets Expectations" may be subject to identified supervisory issues requiring corrective action. However, these issues are unlikely to present a threat to the firm's ability to maintain safe-and-sound operations through a range of potentially stressful conditions.

A firm that does not meet the capital planning and positions expectations associated with a "Broadly Meets Expectations" rating will be rated "Conditionally Meets Expectations," "Deficient-1," or "Deficient-2," and subject to potential consequences as outlined below.

Conditionally Meets Expectations

Certain, material financial or operational weaknesses in a firm's capital planning or positions may place the firm's prospects for remaining safe and sound through a range of conditions at risk if not resolved in a timely manner during the normal course of business.

Specifically, if left unresolved, these weaknesses:

- May threaten the firm's ability to produce sound assessments of capital adequacy through a range of conditions; and/or
- May result in the firm's projected capital positions being insufficient to absorb potential losses, comply with regulatory requirements, and support the firm's ability to meet current and prospective obligations and to continue to serve as a financial intermediary through a range of conditions.

The Federal Reserve does not intend for a firm to be rated "Conditionally Meets Expectations" for a prolonged period. The firm has the ability to resolve these issues through measures that do not require a material change to the firm's business model or financial profile, or its governance, risk management, or internal control structures or practices. The Federal Reserve will work with the firm to develop an appropriate

timeframe during which the firm would be required to resolve each supervisory issue leading to the "Conditionally Meets Expectations" rating.

The Federal Reserve will closely monitor the firm's remediation and mitigation activities; in most instances, the firm will either:

- (i) Resolve the issues in a timely manner and, if no new material supervisory issues arise, be upgraded to a "Broadly Meets Expectations" rating because the firm's capital planning practices and related positions would broadly meet supervisory expectations; or
- (ii) Fail to resolve the issues in a timely manner and be downgraded to a "Deficient-1" rating, because the inability to resolve the issues would indicate that the firm does not possess sufficient financial or operational capabilities to maintain its safety and soundness through a range of conditions.

It is possible that a firm may be close to completing resolution of the supervisory issues leading to the "Conditionally Meets Expectations" rating, but new issues are identified that, taken alone, would be consistent with a "Conditionally Meets Expectations" rating. In this event, the firm may continue to be rated "Conditionally Meets Expectations," provided the new issues do not reflect a pattern of deeper or prolonged capital planning or positions weaknesses consistent with a "Deficient" rating.

A "Conditionally Meets Expectations" rating may be assigned to a firm that meets the above definition regardless of its prior rating. A firm previously rated "Deficient-1" may be upgraded to "Conditionally Meets Expectations" if the firm's remediation and mitigation activities are sufficiently advanced so that the firm's prospects for remaining safe and sound are no longer at significant risk, even if the firm has outstanding supervisory issues or is subject to an active enforcement action.

Deficient-1

Financial or operational deficiencies in a firm's capital planning or positions put the firm's prospects for remaining safe and sound through a range of conditions at significant risk. The firm is unable to remediate these deficiencies in the normal course of business, and remediation would typically require a material change to the firm's business model or financial profile, or its capital planning practices.

Specifically, although the firm's current condition is not considered to be materially threatened:

- Deficiencies in the firm's capital planning processes are not effectively mitigated. These deficiencies limit the firm's ability to effectively assess capital adequacy through a range of conditions; and/or
- The firm's projected capital positions may be insufficient to absorb potential losses and to support its ability to meet current and prospective obligations and serve as a financial intermediary through a range of conditions.

Supervisory issues that place the firm's safety and soundness at significant risk, and where resolution is likely to require steps that clearly go beyond the normal course of

business—such as issues requiring a material change to the firm's business model or financial profile, or its governance, risk management, or internal control structures or practices—would generally warrant assignment of a "Deficient-1" rating.

A "Deficient-1" rating may be assigned to a firm regardless of its prior rating. A firm previously rated "Broadly Meets Expectations" may be downgraded to "Deficient-1" when supervisory issues are identified that place the firm's prospects for maintaining safe-and-sound operations through a range of potentially stressful conditions at significant risk. A firm previously rated "Conditionally Meets Expectations" may be downgraded to "Deficient-1" when the firm's inability to resolve supervisory issues in a timely manner indicates that the firm does not possess sufficient financial or operational capabilities to maintain its safety and soundness through a range of conditions.

To address these financial or operational deficiencies, the firm is required to take timely corrective action to restore and maintain its capital planning and positions consistent with supervisory expectations.

Deficient-2

Financial or operational deficiencies in a firm's capital planning or positions present a threat to the firm's safety and soundness, or have already put the firm in an unsafe and unsound condition.

Specifically, as a result of these deficiencies:

- The firm's capital planning processes are insufficient to effectively assess the firm's capital adequacy through a range of conditions; and/or
- The firm's current or projected capital positions are insufficient to absorb current or potential losses, and to support the firm's ability to meet current and prospective obligations and serve as a financial intermediary through a range of conditions.

To address these deficiencies, the firm is required to immediately (i) implement comprehensive corrective measures sufficient to restore and maintain appropriate capital planning capabilities and adequate capital positions; and (ii) demonstrate the sufficiency, credibility and readiness of contingency planning in the event of further deterioration of the firm's financial or operational strength or resiliency.

2. Liquidity Risk Management and Positions Component Rating

The Liquidity Risk Management and Positions component rating evaluates (i) the effectiveness of a firm's governance and risk management processes used to determine the amount of liquidity necessary to cover risks and exposures, and to support activities through a range of conditions; and (ii) the sufficiency of a firm's liquidity positions to comply with applicable regulatory requirements and to support the firm's ongoing obligations through a range of conditions.

In developing this rating, the Federal Reserve evaluates:

- *Liquidity Risk Management*: The extent to which a firm maintains sound liquidity risk management practices through effective

governance and oversight; effective risk management and controls; maintenance of updated liquidity policies and contingency plans for addressing potential shortfalls; and incorporation of appropriately stressful conditions into liquidity planning and projections of liquidity positions; and

- **Liquidity Positions:** The extent to which a firm's liquidity is sufficient to comply with regulatory requirements, and to support its ability to meet current and prospective obligations to depositors, creditors and other counterparties through a range of conditions.

Definitions for the Liquidity Risk Management and Positions Component Rating

Broadly Meets Expectations

A firm's liquidity risk management and positions broadly meet supervisory expectations and support maintenance of safe-and-sound operations. Specifically:

- The firm is capable of producing sound assessments of liquidity adequacy through a range of conditions; and
- The firm's current and projected liquidity positions comply with regulatory requirements, and support its ability to meet current and prospective obligations and to continue to serve as a financial intermediary through a range of conditions.

A firm rated "Broadly Meets Expectations" may be subject to identified supervisory issues requiring corrective action. However, these issues are unlikely to present a threat to the firm's ability to maintain safe-and-sound operations through a range of potentially stressful conditions.

A firm that does not meet the liquidity risk management and positions expectations associated with a "Broadly Meets Expectations" rating will be rated "Conditionally Meets Expectations," "Deficient-1," or "Deficient-2," and subject to potential consequences as outlined below.

Conditionally Meets Expectations

Certain, material financial or operational weaknesses in a firm's liquidity risk management or positions may place the firm's prospects for remaining safe and sound through a range of conditions at risk if not resolved in a timely manner during the normal course of business.

Specifically, if left unresolved, these weaknesses:

- May threaten the firm's ability to produce sound assessments of liquidity adequacy through a range of conditions; and/or
- May result in the firm's projected liquidity positions being insufficient to comply with regulatory requirements, and support its ability to meet current and prospective obligations and to continue to serve as a financial intermediary through a range of conditions.

The Federal Reserve does not intend for a firm to be rated "Conditionally Meets Expectations" for a prolonged period. The firm has the ability to resolve these issues through measures that do not require a material change to the firm's business model or financial profile, or its governance, risk management, or internal control structures or practices. The Federal Reserve will work

with the firm to develop an appropriate timeframe during which the firm would be required to resolve each supervisory issue leading to the "Conditionally Meets Expectations" rating.

The Federal Reserve will closely monitor the firm's remediation and mitigation activities; in most instances, the firm will either:

- (i) Resolve the issues in a timely manner and, if no new material supervisory issues arise, be upgraded to a "Broadly Meets Expectations" rating because the firm's liquidity risk management practices and related positions would broadly meet supervisory expectations; or
- (ii) Fail to resolve the issues in a timely manner and be downgraded to a "Deficient-1" rating, because the firm's inability to resolve those issues would indicate that the firm does not possess sufficient financial or operational capabilities to maintain its safety and soundness through a range of conditions.

It is possible that a firm may be close to completing resolution of the supervisory issues leading to the "Conditionally Meets Expectations" rating, but new issues are identified that, taken alone, would be consistent with a "Conditionally Meets Expectations" rating. In this event, the firm may continue to be rated "Conditionally Meets Expectations," provided the new issues do not reflect a pattern of deeper or prolonged liquidity risk management and positions weaknesses consistent with a "Deficient" rating.

A "Conditionally Meets Expectations" rating may be assigned to a firm that meets the above definition regardless of its prior rating. A firm previously rated "Deficient-1" may be upgraded to "Conditionally Meets Expectations" if the firm's remediation and mitigation activities are sufficiently advanced so that the firm's prospects for remaining safe and sound are no longer at significant risk, even if the firm has outstanding supervisory issues or is subject to an active enforcement action.

Deficient-1

Financial or operational deficiencies in a firm's liquidity risk management or positions put the firm's prospects for remaining safe and sound through a range of conditions at significant risk. The firm is unable to remediate these deficiencies in the normal course of business, and remediation would typically require a material change to the firm's business model or financial profile, or its liquidity risk management practices.

Specifically, although the firm's current condition is not considered to be materially threatened:

- Deficiencies in the firm's liquidity risk management processes are not effectively mitigated. These deficiencies limit the firm's ability to effectively assess liquidity adequacy through a range of conditions; and/or
- The firm's projected liquidity positions may be insufficient to support its ability to meet prospective obligations and serve as a financial intermediary through a range of conditions.

Supervisory issues that place the firm's safety and soundness at significant risk, and where resolution is likely to require steps

that clearly go beyond the normal course of business—such as issues requiring a material change to the firm's business model or financial profile, or its governance, risk management, or internal control structures or practices—would generally warrant assignment of a "Deficient-1" rating.

A "Deficient-1" rating may be assigned to a firm regardless of its prior rating. A firm previously rated "Broadly Meets Expectations" may be downgraded to "Deficient-1" when supervisory issues are identified that place the firm's prospects for maintaining safe and sound operations through a range of potentially stressful conditions at significant risk. A firm previously rated "Conditionally Meets Expectations" may be downgraded to "Deficient-1" when the firm's inability to resolve supervisory issues in a timely manner indicates that the firm does not possess sufficient financial or operational capabilities to maintain its safety and soundness through a range of conditions.

To address these financial or operational deficiencies, the firm is required to take timely corrective action to restore and maintain its liquidity risk management and positions consistent with supervisory expectations.

Deficient-2

Financial or operational deficiencies in a firm's liquidity risk management or positions present a threat to the firm's safety and soundness, or have already put the firm in an unsafe and unsound condition.

Specifically, as a result of these deficiencies:

- The firm's liquidity risk management processes are insufficient to effectively assess the firm's liquidity adequacy through a range of conditions; and/or
- The firm's current or projected liquidity positions are insufficient to support the firm's ability to meet current and prospective obligations and serve as a financial intermediary through a range of conditions.

To address these deficiencies, the firm is required to immediately (i) implement comprehensive corrective measures sufficient to restore and maintain appropriate liquidity risk management capabilities and adequate liquidity positions; and (ii) demonstrate the sufficiency, credibility and readiness of contingency planning in the event of further deterioration of the firm's financial or operational strength or resiliency.

3. Governance and Controls Component Rating

The Governance and Controls component rating evaluates the effectiveness of a firm's (i) board of directors, (ii) management of business lines and independent risk management and controls, and (iii) recovery planning (for domestic LISC firms only). This rating assesses a firm's effectiveness in aligning strategic business objectives with the firm's risk appetite and risk management capabilities; maintaining effective and independent risk management and control functions, including internal audit; promoting compliance with laws and regulations, including those related to consumer protection; and otherwise

providing for the ongoing resiliency of the firm.

In developing this rating, the Federal Reserve evaluates:

- *Effectiveness of the Board of Directors:*

The extent to which the board exhibits attributes that are consistent with those of effective boards in carrying out its core roles and responsibilities, including: (i) setting a clear, aligned, and consistent direction regarding the firm's strategy and risk appetite; (ii) directing senior management regarding the board's information; (iii) overseeing and holding senior management accountable, (iv) supporting the independence and stature of independent risk management and internal audit; and (v) maintaining a capable board composition and governance structure.

- *Management of Business Lines and Independent Risk Management and Controls:*

The extent to which:

- Senior management effectively and prudently manages the day-to-day operations of the firm and provides for ongoing resiliency; implements the firm's strategy and risk appetite; maintains an effective risk management framework and system of internal controls; and promotes prudent risk taking behaviors and business practices, including compliance with laws and regulations, including those related to consumer protection.

- Business line management executes business line activities consistent with the firm's strategy and risk appetite; identifies and manages risks; and ensures an effective system of internal controls for its operations.

- Independent risk management effectively evaluates whether the firm's risk appetite appropriately captures material risks and is consistent with the firm's risk management capacity; establishes and monitors risk limits that are consistent with the firm's risk appetite; identifies and measures the firm's risks; and aggregates, assesses and reports on the firm's risk profile and positions. Additionally, the firm demonstrates that its internal controls are appropriate and tested for effectiveness. Finally, internal audit effectively and independently assesses the firm's risk management framework and internal control systems, and reports findings to senior management and the firm's audit committee.

- *Recovery Planning (domestic LISCC firms only):* The extent to which recovery planning processes effectively identify options that provide a reasonable chance of a firm being able to remedy financial weakness and restore market confidence without extraordinary official sector support.

Definitions for the Governance and Controls Component Rating

Broadly Meets Expectations

A firm's governance and controls broadly meet supervisory expectations and support maintenance of safe-and-sound operations. Specifically, the firm's practices and capabilities are sufficient to align strategic business objectives with its risk appetite and risk management capabilities;⁸⁵ maintain

effective and independent risk management and control functions, including internal audit; promote compliance with laws and regulations (including those related to consumer protection); and otherwise provide for the firm's ongoing financial and operational resiliency through a range of conditions.

A firm rated "Broadly Meets Expectations" may be subject to identified supervisory issues requiring corrective action. However, these issues are unlikely to present a threat to the firm's ability to maintain safe-and-sound operations through a range of potentially stressful conditions.

A firm that does not meet supervisory expectations associated with a "Broadly Meets Expectations" rating will be rated "Conditionally Meets Expectations," "Deficient-1," or "Deficient-2," and subject to potential consequences, as outlined below.

Conditionally Meets Expectations

Certain, material financial or operational weaknesses in a firm's governance and controls practices may place the firm's prospects for remaining safe and sound through a range of conditions at risk if not resolved in a timely manner during the normal course of business. Specifically, if left unresolved, these weaknesses may threaten the firm's ability to align strategic business objectives with the firm's risk appetite and risk management capabilities; maintain effective and independent risk management and control functions, including internal audit; promote compliance with laws and regulations (including those related to consumer protection); or otherwise provide for the firm's ongoing resiliency through a range of conditions.

The Federal Reserve does not intend for a firm to be rated "Conditionally Meets Expectations" for a prolonged period. The firm has the ability to resolve these issues through measures that do not require a material change to the firm's business model or financial profile, or its governance, risk management, or internal control structures or practices. The Federal Reserve will work with the firm to develop an appropriate timeframe during which the firm would be required to resolve each supervisory issue leading to the "Conditionally Meets Expectations" rating.

The Federal Reserve will closely monitor the firm's remediation and mitigation activities; in most instances, the firm will either:

- (i) Resolve the issues in a timely manner and, if no new material supervisory issues arise, be upgraded to a "Broadly Meets Expectations" rating because the firm's governance and controls would broadly meet supervisory expectations; or

- (ii) Fail to resolve the issues in a timely manner and be downgraded to a "Deficient-1" rating, because the firm's inability to resolve those issues would indicate that the firm does not possess sufficient financial or operational capabilities to maintain its safety and soundness through a range of conditions.

It is possible that a firm may be close to completing resolution of the supervisory

issues leading to the "Conditionally Meets Expectations" rating, but new issues are identified that, taken alone, would be consistent with a "Conditionally Meets Expectations" rating. In this event, the firm may continue to be rated "Conditionally Meets Expectations," provided the new issues do not reflect a pattern of deeper or prolonged governance and controls weaknesses consistent with a "Deficient" rating.

A "Conditionally Meets Expectations" rating may be assigned to a firm that meets the above definition regardless of its prior rating. A firm previously rated "Deficient" may be upgraded to "Conditionally Meets Expectations" if the firm's remediation and mitigation activities are sufficiently advanced so that the firm's prospects for remaining safe and sound are no longer at significant risk, even if the firm has outstanding supervisory issues or is subject to an active enforcement action.

Deficient-1

Financial or operational deficiencies in a firm's governance and controls put the firm's prospects for remaining safe and sound through a range of conditions at significant risk. The firm is unable to remediate these deficiencies in the normal course of business, and remediation would typically require a material change to the firm's business model or financial profile, or its governance, risk management, or internal control structures or practices.

Specifically, although the firm's current condition is not considered to be materially threatened, these deficiencies limit the firm's ability to align strategic business objectives with its risk appetite and risk management capabilities; maintain effective and independent risk management and control functions, including internal audit; promote compliance with laws and regulations (including those related to consumer protection); or otherwise provide for the firm's ongoing resiliency through a range of conditions.

A "Deficient-1" rating may be assigned to a firm regardless of its prior rating. A firm previously rated "Broadly Meets Expectations" may be downgraded to "Deficient-1" when supervisory issues are identified that place the firm's prospects for maintaining safe-and-sound operations through a range of potentially stressful conditions at significant risk. A firm previously rated "Conditionally Meets Expectations" may be downgraded to "Deficient-1" when the firm's inability to resolve supervisory issues in a timely manner indicates that the firm does not possess sufficient financial or operational capabilities to maintain its safety and soundness through a range of conditions.

To address these financial or operational deficiencies, the firm is required to take timely corrective action to restore and maintain its governance and controls consistent with supervisory expectations.

Deficient-2

Financial or operational deficiencies in governance or controls present a threat to the firm's safety and soundness, or have already put the firm in an unsafe and unsound

⁸⁵ References to risk management capabilities includes risk management of business lines and

independent risk management and control functions, including internal audit.

condition. Specifically, as a result of these deficiencies, the firm is unable to align strategic business objectives with its risk appetite and risk management capabilities; maintain effective and independent risk management and control functions, including internal audit; promote compliance with laws and regulations (including those related to consumer protection); or otherwise provide for the firm's ongoing resiliency.

To address these deficiencies, the firm is required to immediately (i) implement comprehensive corrective measures sufficient to restore and maintain appropriate governance and control capabilities; and (ii) demonstrate the sufficiency, credibility, and readiness of contingency planning in the event of further deterioration of the firm's financial or operational strength or resiliency.

Appendix B—Text of Proposed Insurance Supervisory Framework

Framework for the Supervision of Insurance Organizations

This framework describes the Federal Reserve's approach to consolidated supervision of supervised insurance organizations.⁸⁶ The framework is designed specifically to account for the unique risks and business profiles of these firms resulting mainly from their insurance business. The framework consists of a risk-based approach to establishing supervisory expectations, assigning supervisory resources, and conducting supervisory activities; a supervisory rating system; and a description of how Federal Reserve examiners work with the state insurance regulators to limit supervisory duplication.

A. Proportionality—Supervisory Activities and Expectations

Consistent with the Federal Reserve's approach to risk-based supervision, supervisory guidance is applied, and supervisory activities are conducted, in a manner that is proportionate to each firm's individual risk profile. This begins by classifying each supervised insurance organization either as complex or noncomplex based on its risk profile and continues with a risk based application of supervisory guidance and supervisory activities driven by a periodic risk assessment. The risk assessment drives planned supervisory activities and is communicated to the firm along with the supervisory plan for the upcoming cycle. Supervisory activities are focused on resolving supervisory knowledge gaps, monitoring the safety and soundness of the firm, assessing the firm's management of risks that could potentially impact its ability to act as a source of managerial and financial strength for its depository institution(s), and monitoring for potential systemic risk, if relevant.

⁸⁶ In this framework, a "supervised insurance organization" is a depository institution holding company that is an insurance underwriting company, or that has over 25 percent of its consolidated assets held by insurance underwriting subsidiaries, or has been otherwise designated as a supervised insurance organization by Federal Reserve staff.

1. Complexity Classification and Supervised Activities

The Federal Reserve classifies each supervised insurance organization as either complex or noncomplex based on its risk profile. The classification serves as the basis for determining the level of supervisory resources dedicated to each firm, as well as the frequency and intensity of supervisory activities.

Complex

Complex firms have a higher level of risk and therefore require more supervisory attention and resources. Federal Reserve dedicated supervisory teams are assigned to execute approved supervisory plans led by a dedicated Central Point of Contact. The activities listed in the supervisory plans focus on understanding any risks that could threaten the safety and soundness of the consolidated organization or a firm's ability to act as a source of strength for its subsidiary depository institution(s). These activities typically include continuous monitoring, targeted topical examinations, coordinated reviews, and an annual roll-up assessment resulting in ratings for the three rating components. The relevance of certain supervisory guidance may vary among complex firms based on each firm's risk profile. Supervisory guidance targeted at smaller depository institution holding companies, for example, may be more relevant for complex supervised insurance organizations with limited inherent exposure to a certain risk.

Noncomplex

Noncomplex firms, due to their lower risk profile, require less supervisory oversight relative to complex firms. The supervisory activities for these firms occur primarily during a rating examination that occurs no less often than every other year and results in the three component ratings. The supervision of noncomplex firms relies more heavily on the reports and assessments of a firm's other relevant supervisors, although these firms may also be subject to continuous monitoring, targeted topical examinations, and coordinated reviews as appropriate. The focus and types of supervisory activities for noncomplex firms are also set based on the risks of each firm.

Factors considered when classifying a supervised insurance organization as either complex or noncomplex include the absolute and relative size of its depository institution(s), its current supervisory and regulatory oversight (ratings and opinions of its supervisors, and the nature and extent of any unregulated and/or unsupervised activities), the breadth and nature of product and portfolio risks, the nature of its organizational structure, its quality and level of capital and liquidity, the materiality of any international exposure, and its interconnectedness with the broader financial system.

For supervised insurance organizations that are commencing Federal Reserve supervision, the classification as complex or noncomplex is done and communicated during the application phase after initial discussions with the firm. The firm's risk profile, including the characteristics listed

above, are evaluated by staff of the Board and relevant Reserve Bank before the complexity classification is assigned by Board staff. Large, well-established, and financially strong supervised insurance organizations with relatively small depository institutions can be classified as noncomplex if, in the opinion of Board staff, the corresponding level of supervisory oversight is sufficient to accomplish its objectives. Although the risk profile is the primary basis for assigning a classification, a firm is automatically classified as complex if its depository institution's average assets exceed \$100 billion. A firm may request that the Federal Reserve review its complexity classification if it has experienced a significant change to its risk profile.

The focus, frequency, and intensity of supervisory activities are based on a risk assessment of the firm completed periodically by the supervisory team and will vary among firms within the same complexity classification. For each risk described in the Supervisory Expectations section below, the supervisory team assesses the firm's inherent risks and its residual risk after considering the effectiveness of its management of the risk. The risk assessment and the supervisory activities that follow from it take into account the assessments made by and work performed by the firm's other regulators. In certain instances, Federal Reserve examiners may be able to rely on a firm's internal audit (if it is rated effective) or internal control functions in developing the risk assessment.

2. Supervisory Expectations

Supervised insurance organizations are required to operate in a safe and sound manner, to comply with all applicable laws and regulations, and to possess sufficient financial and operational strength to serve as a source of strength for their depository institution(s) through a range of stressful yet plausible conditions. The governance and risk management practices necessary to accomplish these objectives will vary based on a firm's specific risk profile, size, and complexity. Guidance describing supervisory expectations for safe and sound practices can be found in Supervision & Regulation (SR) letters published by the Board and other supervisory material. Supervisory guidance most relevant to a specific supervised insurance organization is driven by the risk profile of the firm. Federal Reserve examiners periodically reassess the firm's risk profile and inform the firm if different supervisory guidance becomes more relevant as a result of a material change to its risk profile.

Most supervisory guidance issued by the Board is intended specifically for institutions that are primarily engaged in banking activities. Examples of specific practices provided in these materials may differ from (or not be applicable to) the nonbanking operations of supervised insurance organizations, including for insurance operations. The Board recognizes that practices in nonbanking business lines can be different than those published in supervisory guidance without being considered unsafe or unsound. When making their assessment, Federal Reserve examiners work with supervised insurance organizations and other

involved regulators, including state insurance regulators, to appropriately assess practices that may be different than those typically observed for banking operations.

This section describes general safety and soundness expectations and how the Board has adapted its supervisory expectations to reflect the special characteristics of a supervised insurance organization. The section is organized using the three rating components—Governance and Controls, Capital Management, and Liquidity Management.

Governance and Controls

The Governance and Controls component rating is derived from an assessment of the effectiveness of a firm's (1) board and senior management, and (2) independent risk management and controls. All firms are expected to align their strategic business objectives with their risk appetite and risk management capabilities; maintain effective and independent risk management and control functions including internal audit; promote compliance with laws and regulations; and remain a source of financial and managerial strength for their depository institution(s).

When assessing governance and controls, Federal Reserve examiners consider a firm's risk management capabilities relative to its risk exposure within the following areas: internal audit, credit risk, legal and compliance risk, market risk, model risk, and operational risk, including cybersecurity/information technology and third-party risk.

Governance & Controls Expectations

- Despite differences in their business models and the products offered, insurance companies and banks are expected to have effective and sustainable systems of governance and controls to manage their respective risks. The governance and controls framework for a supervised insurance organization should:

- Clearly define roles and responsibilities throughout the organization;
- Include policies and procedures, limits, requirements for documenting decisions, and decision-making and accountability chains of command; and
- Provide timely information about risk and corrective action for non-compliance or weak oversight, controls, and management.

- The Board expects the sophistication of the governance and controls framework to be commensurate with the size, complexity, and risk profile of the firm. As such, governance and controls expectations for complex firms will be higher than that for noncomplex firms but will also vary based on each firm's risk profile.

- The Board expects supervised insurance organizations to have a risk management and control framework that is commensurate with its structure, risk profile, complexity, activities, and size. For any chosen structure, the firm's board is expected to have the capacity, expertise, and sufficient information to discharge risk oversight and governance responsibilities in a safe and sound manner.

In assigning a rating for the Governance and Controls component, Federal Reserve examiners evaluate:

Board and Senior Management Effectiveness

- The firm's board is expected to exhibit certain attributes consistent with effectiveness, including: (i) setting a clear, aligned, and consistent direction regarding the firm's strategy and risk appetite; (ii) directing senior management regarding board reporting; (iii) overseeing and holding senior management accountable; (iv) supporting the independence and stature of independent risk management and internal audit; and (v) maintaining a capable board and an effective governance structure. As the consolidated supervisor, the Board focuses on the board of the supervised insurance organization and its committees. Complex firms are expected to take into consideration the Board's guidance on board of directors' effectiveness.⁸⁷ In assessing the effectiveness of a firm's senior management, Federal Reserve examiners consider the extent to which senior management effectively and prudently manages the day-to-day operations of the firm and provides for ongoing resiliency; implements the firm's strategy and risk appetite; identifies and manages risks; maintains an effective risk management framework and system of internal controls; and promotes prudent risk taking behaviors and business practices, including compliance with laws and regulations such as those related to consumer protection and the Bank Secrecy Act/Anti-Money Laundering and Office of Foreign Assets Control (BSA/AML and OFAC). Federal Reserve examiners evaluate how the framework allows management to be responsible for and manage all risk types, including emerging risks, within the business lines. Examiners rely to the fullest extent possible on insurance and banking supervisors' examination reports and information concerning risk and management in specific lines of business, including relying specifically on state insurance regulators to evaluate and assess how firms manage the pricing, underwriting, and reserving risk of their insurance operations.

Independent Risk Management and Controls

- In assessing a firm's independent risk management and controls, Federal Reserve examiners consider the extent to which independent risk management effectively evaluates whether the firm's risk appetite framework identifies and measures all of the firm's material risks; establishes appropriate risk limits; and aggregates, assesses and reports on the firm's risk profile and positions. Additionally, the firm is expected to demonstrate that its internal controls are appropriate and tested for effectiveness and sustainability.

- *Internal Audit* is an integral part of a supervised insurance organization's internal control system and risk management structure. An effective internal audit function plays an essential role by providing an independent risk assessment and objective evaluation of all key governance, risk management, and internal control processes. Internal audit is expected to effectively and independently assess the firm's risk

management framework and internal control systems, and report findings to senior management and to the firm's audit committee. Despite differences in business models, the Board expects the largest, most complex supervised insurance organizations to have internal audit practices in place that are similar to those at banking organizations and as such, no modification to existing guidance is required for these firms.⁸⁸ At the same time, the Board recognizes that firms should have an internal audit function that is appropriate to their size, nature, and scope of activities. Therefore, for noncomplex firms, Federal Reserve examiners will consider the expectations in the insurance company's domicile state's Annual Financial Reporting Regulation (NAIC Model Audit Rule 205), or similar state regulation, to assess the effectiveness of a firm's internal audit function.

The principles of sound risk management described in the previous sections apply to the entire spectrum of risk management activities of a supervised insurance organization, including but not limited to:

- *Credit risk* arises from the possibility that a borrower or counterparty will fail to perform on an obligation. Fixed income securities, by far the largest asset class held by many insurance companies, is a large source of credit risk. This is unlike most banking organizations, where loans generally make up the largest portion of balance sheet assets. Life insurer investment portfolios in particular are generally characterized by longer duration holdings compared to those of banking organizations. Additionally, an insurance company's reinsurance recoverables/receivables arising from the use of third-party reinsurance and participation in regulatory required risk-pooling arrangements expose the firm to additional counterparty credit risk. Federal Reserve examiners scope examination work based on a firm's level of inherent credit risk. The level of inherent risk is determined by analyzing the composition, concentration, and quality of the consolidated investment portfolio; the level of a firm's reinsurance recoverables, the credit quality of the individual reinsurers, and the amount of collateral held for reinsured risks; and credit exposures associated with derivatives, securities lending, or other activities that may also have off-balance sheet counterparty credit exposures. In determining the effectiveness of a firm's management of its credit risk, Federal Reserve examiners rely, where possible, on the assessments made by other relevant supervisors for the depository institution(s) and the insurance company(ies). In its own assessment, the Federal Reserve will determine whether the board and senior management have established an appropriate credit risk governance framework consistent with the firm's risk appetite; whether policies, procedures and limits are adequate and

⁸⁷ See SR Letter 21-3, "Supervisory Guidance on Board of Directors' Effectiveness."

⁸⁸ Regulatory guidance provided in SR Letter 03-5, "Amended Interagency Guidance on the Internal Audit Function and Its Outsourcing" and SR Letter 13-1, "Supplemental Policy Statement on the Internal Audit Function and Its Outsourcing" are applicable to complex supervised insurance organizations.

provide for ongoing monitoring, reporting and control of credit risk; the adequacy of management information systems as it relates to credit risk; and the sufficiency of internal audit and independent review coverage of credit risk exposure.

- *Market risk* arises from exposures to losses as a result of underlying changes in, for example, interest rates, equity prices, foreign exchange rates, commodity prices, or real estate prices. Federal Reserve examiners scope examination work based on a firm's level of inherent market risk exposure, which is normally driven by the primary business line(s) in which the firm is engaged as well as the structure of the investment portfolio. A firm may be exposed to inherent market risk due to its investment portfolio or as result of its product offerings, including variable and indexed life insurance and annuity products, or asset/wealth management business. While interest rate risk (IRR), a category of market risk, differs between insurance companies and banking organizations, the degree of IRR also differs based on the type of insurance products the firm offers. IRR is generally a small risk for U.S. property/casualty (P/C) whereas it can be a significant risk factor for life insurers with certain life and annuity products that are spread-based, longer in duration, may include embedded product guarantees, and can pose disintermediation risk. Equity market risk can be significant for life insurers that issue guarantees tied to equity markets, like variable annuity living benefits, and for P/C insurers with large common equity allocations in their investment portfolios. Generally foreign exchange and commodity risk is low for supervised insurance organizations but could be material for some complex firms. Firms are expected to have sound risk management infrastructure that adequately identifies, measures, monitors, and controls any material or significant forms of market risks to which it is exposed.

- *Model risk* is the potential for adverse consequences from decisions based on incorrect or misused model outputs and reports. Model risk can lead to financial loss or poor business and strategic decision-making. Supervised insurance organizations are often heavily reliant on models for product pricing and reserving, risk and capital management strategic planning and other decision-making purposes. A sound model risk management framework helps manage this risk.⁸⁹ Federal Reserve examiners take into account the firm's size, nature, and complexity, as well as the extent of use and sophistication of its models when assessing its model risk management program. Examiners focus on the governance framework, policies and controls, and enterprise model risk management through a holistic evaluation of the firm's practices. The Federal Reserve's review of a firm's model risk management program complements the work of the firm's other relevant supervisors. A sound model risk management framework includes three main elements: (1) an accurate model inventory

and an appropriate approach to model development, implementation, and use; (2) effective model validation and continuous model performance monitoring; and (3) a strong governance framework that provides explicit support and structure for model risk management through policies defining relevant activities, procedures that implement those policies, allocation of resources, and mechanisms for evaluating whether policies and procedures are being carried out as specified, including internal audit review. The Federal Reserve relies on work already conducted by other relevant supervisors and appropriately collaborates with state insurance regulators on their findings related to insurance models. With respect to insurance models, the Federal Reserve recognizes the important role played by actuaries as described in actuarial standards of practice on model risk management. With respect to the business of insurance, Federal Reserve examiners focus on the firm's adherence to its own policies and procedures and the comprehensiveness of model validation rather than technical specifications such as the appropriateness of the model, its assumptions, or output. Federal Reserve examiners may request that firms provide model documentation or model validation reports for insurance and bank models when performing transaction testing.

- *Legal risk* arises from the potential that unenforceable contracts, lawsuits, or adverse judgments can disrupt or otherwise negatively affect the operations or financial condition of a supervised insurance organization.

- *Compliance risk* is the risk of regulatory sanctions, fines, penalties, or losses resulting from failure to comply with laws, rules, regulations, or other supervisory requirements applicable to a firm. By offering multiple financial service products that may include insurance, annuity, banking, services provided by securities broker-dealers, and asset and wealth management products, provided through a diverse distribution network, supervised insurance organizations are inherently exposed to a significant amount of legal and compliance risk. As the consolidated supervisor, the Board expects firms to have an enterprise-wide legal and compliance risk management program that covers all business lines, legal entities, and jurisdictions of operation. Firms are expected to have compliance risk management governance, oversight, monitoring, testing, and reporting commensurate with their size and complexity, and to ensure compliance with all applicable laws and regulations. The principles-based guidance in existing SR letters related to legal and compliance risk is applicable to supervised insurance organizations.⁹⁰ For both complex and noncomplex firms, Federal Reserve

examiners rely on the work of the firm's other supervisors. As described in section C, Incorporating the Work of Other Supervisors, the assessments, examination results, ratings, supervisory issues, and enforcement actions from other supervisors will be incorporated into a consolidated assessment of the enterprise-wide legal and compliance risk management framework.

- *Money laundering, terrorist financing and other illicit financial activity risk* is the risk of providing criminals access to the legitimate financial system and thereby being used to facilitate financial crime. This financial crime includes laundering criminal proceeds, financing terrorism, and conducting other illegal activities. Money laundering and terrorist financing risk is associated with a financial institution's products, services, customers, and geographic locations. This and other illicit financial activity risks can impact a firm across business lines, legal entities, and jurisdictions. A reasonably designed compliance program generally includes a structure and oversight that mitigates these risks and supports regulatory compliance with both BSA/AML OFAC requirements. Although OFAC regulations are not part of the BSA, OFAC compliance programs are frequently assessed in conjunction with BSA/AML. Supervised insurance organizations are not defined as financial institutions under the BSA and, therefore, are not required to have an AML program, unless the firm is directly selling certain insurance products. However, certain subsidiaries and affiliates of supervised insurance organizations, such as insurance companies and banks, are defined as financial institutions under 31 U.S.C. 5312(a)(2) and must develop and implement a written BSA/AML compliance program as well as comply with other BSA regulatory requirements. Unlike banks, insurance companies' BSA/AML obligations are limited to certain products, referred to as covered insurance products.⁹¹ The volume of covered products, which the Financial Crimes Enforcement Network (FinCEN) has determined to be of higher risk, is an important driver of supervisory focus. In addition, as U.S. persons, all supervised insurance organizations (including their subsidiaries and affiliates) are subject to OFAC regulations. Federal Reserve examiners assess all material risks that each firm faces, extending to whether business activities across the consolidated organization, including within its individual subsidiaries or affiliates, comply with the legal requirements of BSA and OFAC regulations. In keeping with the principles of

⁹¹ "Covered products" means a permanent life insurance policy, other than a group life insurance policy; an annuity contract, other than a group annuity contract; or any other insurance product with features of cash value or investment. 31 CFR 1025.100(b). "Permanent life insurance policy" means an agreement that contains a cash value or investment element and that obligates the insurer to indemnify or to confer a benefit upon the insured or beneficiary to the agreement contingent upon the death of the insured. 31 CFR 1025.100(h). "Annuity contract" means any agreement between the insurer and the contract owner whereby the insurer promises to pay out a fixed or variable income stream for a period of time. 31 CFR 1025.100(a).

⁸⁹ SR Letter 11-7, "Guidance on Model Risk Management" is applicable to all supervised insurance organizations.

⁹⁰ SR Letter 08-8, "Compliance Risk Management Programs and Oversight at Large Banking Organizations with Complex Compliance Profiles" is applicable to complex supervised insurance organizations. For noncomplex firms, the Federal Reserve will assess legal and compliance risk management based on the guidance in SR Letter 16-11, "Supervisory Guidance for Assessing Risk Management at Supervised Institutions with Total Consolidated Assets Less than \$100 Billion."

a risk-based framework and proportionality, Federal Reserve supervision for BSA/AML and OFAC primarily focuses on oversight of compliance programs at a consolidated level and relies on work by other relevant supervisors to the fullest extent possible. In the evaluation of a firm's risks and BSA/AML and OFAC compliance program, however, it may be necessary for examiners to review compliance with BSA/AML and OFAC requirements at individual subsidiaries or affiliates in order to fully assess the material risks of the supervised insurance organization.

- *Operational risk* is the risk of loss resulting from inadequate or failed internal processes, people, and systems, or from external events. Operational resilience is the ability to maintain operations, including critical operations and core business lines, through a disruption from any hazard. It is the outcome of effective operational risk management combined with sufficient financial and operational resources to prepare, adapt, withstand, and recover from disruptions. A firm that operates in a safe and sound manner is able to identify threats, respond and adapt to incidents, and recover and learn from such threats and incidents so that it can prioritize and maintain critical operations and core business lines, along with other operations, services and functions identified by the firm, through a disruption.

- *Cybersecurity/Information Technology risks* are a subset of operational risk and arise from operations of a firm requiring a strong and robust internal control system and risk management oversight structure. Information Technology (IT) and Cybersecurity (Cyber) functions are especially critical to a firm's operations. Examiners of financial institutions, including supervised insurance organizations, utilize the detailed guidance on mitigating these risks in the Federal Financial Institutions Examination Council's (FFIEC) IT Handbooks. In assessing IT/Cyber risks, Federal Reserve examiners assess each firm's:

- Board and senior management for effective oversight and support of IT management;
 - Information/cyber security program for strong board and senior management support, integration of security activities and controls through business processes, and establishment of clear accountability for security responsibilities;
 - IT operations for sufficient personnel, system capacity and availability, and storage capacity adequacy to achieve strategic objectives and appropriate solutions;
 - Development and acquisition processes' ability to identify, acquire, develop, install, and maintain effective IT to support business operations; and
 - Appropriate business continuity management processes to effectively oversee and implement resilience, continuity, and response capabilities to safeguard employees, customers, assets, products, and services.
- Complex and noncomplex firms are assessed in these areas. All supervised insurance organizations are required to notify

the Federal Reserve of any computer-security notification incidents.⁹²

- *Third party risk* is also a subset of operational risk and arises from a firm's use of service providers to perform operational or service functions. These risks may be inherent to the outsourced activity or be introduced with the involvement of the service provider. When assessing effective third party risk management, Federal Reserve examiners evaluate eight areas: (1) third party risk management governance, (2) risk assessment framework, (3) due diligence in the selection of a service provider, (4) a review of any incentive compensation embedded in a service provider contract, (5) management of any contract or legal issues arising from third party agreements, (6) ongoing monitoring and reporting of third parties, (7) business continuity and contingency of the third party for any service disruptions, and (8) effective internal audit program to assess the risk and controls of the firm's third party risk management program.⁹³

Capital Management

The Capital Management rating is derived from an assessment of a firm's current and stressed level of capitalization, and the quality of its capital planning and internal stress testing. A capital management program should be commensurate with a supervised insurance organization's complexity and risk profile. In assigning this rating, the Federal Reserve examiners evaluate the extent to which a firm maintains sound capital planning practices through effective governance and oversight, effective risk management and controls, maintenance of updated capital policies and contingency plans for addressing potential shortfalls, and incorporation of appropriately stressful conditions into capital planning and projections of capital positions. The extent to which a firm's capital is sufficient to comply with regulatory requirements, to support the firm's ability to meet its obligations, and to enable the firm to remain a source of strength to its depository institution(s) in a range of stressful, but plausible, economic and financial environments is also evaluated.

Insurance company balance sheets are typically quite different from those of most banking organizations. For life insurance companies, investment strategies may focus on cash flow matching to reduce interest rate risk and provide liquidity to support their liabilities, while for traditional banks, deposits (liabilities) are attracted to support investment strategies.

Additionally, for insurers, capital provides a buffer for policyholder claims and creditor obligations, helping the firm absorb adverse deviations in expected claims experience, and other drivers of economic loss. The Board recognizes that the capital needs for insurance activities are materially different from those of banking activities and can be

different between life and property and casualty insurers. Insurers may also face capital fungibility constraints not faced by banking organizations.

In assessing a supervised insurance organization's capital management, the Federal Reserve relies to the fullest extent possible on information provided by state insurance regulators, including the firm's own risk and solvency assessment (ORSA) and the state insurance regulator's written assessment of the ORSA. An ORSA is an internal process undertaken by an insurance group to assess the adequacy of its risk management and current and prospective capital position under normal and stress scenarios. As part of the ORSA, insurance groups are required to analyze all reasonably foreseeable and relevant material risks that could have an impact on their ability to meet obligations.

The Board expects supervised insurance organizations to have sound governance over their capital planning process. A firm should establish capital goals that are approved by the board of directors, and that reflect the potential impact of legal and/or regulatory restrictions on the transfer of capital between legal entities. In general, senior management should establish the capital planning process, which should be reviewed and approved periodically by the board. The board should require senior management to provide clear, accurate, and timely information on the firm's material risks and exposures to inform board decisions on capital adequacy and actions. The capital planning process should clearly reflect the difference between the risk profiles and associated capital needs of the insurance and banking businesses.

A firm should have a risk management framework that appropriately identifies, measures, and assesses material risks and provides a strong foundation for capital planning. This framework should be supported by comprehensive policies and procedures, clear and well established roles and responsibilities, strong internal controls, and effective reporting to senior management and the board. In addition, the risk management framework should be built upon sound management information systems.

As part of capital management, a firm should have a sound internal control framework that helps ensure that all aspects of the capital planning process are functioning as designed and result in an accurate assessment of the firm's capital needs. The internal control framework should be independently evaluated periodically by the firm's internal audit function.

The governance and oversight framework should include an assessment of the principles and guidelines used for capital planning, issuance, and usage, including internal post-stress capital goals and targeted capital levels; guidelines for dividend payments and stock repurchases; strategies for addressing capital shortfalls; and internal governance responsibilities and procedures for the capital policy. The capital policy should reflect the capital needs of the insurance and banking businesses based on their risks, be approved by the firm's board of directors or a designated committee of the

⁹² SR Letter 22-4, "Contact Information in Relation to Computer-Security Incident Notification Requirements" applies to all supervised insurance organizations.

⁹³ SR Letter 23-4, "Interagency Guidance on Third-Party Relationships: Risk Management" applies to all supervised insurance organizations.

board, and be re-evaluated periodically and revised as necessary.

A strong capital management program will incorporate appropriately stressful conditions and events that could adversely affect the firm's capital adequacy and capital planning. As part of its capital plan, a firm should use at least one scenario that stresses the specific vulnerabilities of the firm's activities and associated risks, including those related to the firm's insurance activities and its banking activities.

Supervised insurance organizations should employ estimation approaches to project the impact on capital positions of various types of stressful conditions and events, and that are independently validated. A firm should estimate losses, revenues, expenses, and capital using sound methods that incorporate macroeconomic and other risk drivers. The robustness of a firm's capital stress testing processes should be commensurate with its risk profile.

Liquidity Management

The Liquidity Management rating is derived from an assessment of the supervised insurance organization's liquidity position and the quality of its liquidity risk management program. Each firm's liquidity risk management program should be commensurate with its complexity and risk profile.

The Board recognizes that supervised insurance organizations are typically less exposed to traditional liquidity risk than banking organizations. Instead of cash outflows being mainly the result of discretionary withdrawals, cash outflows for many insurance products only result from the occurrence of an insured event. Insurance products, like annuities, that are potentially exposed to call risk generally have product features (*i.e.*, surrender charges, market value surrenders, tax treatment, etc.) that help mitigate liquidity risk.

Federal Reserve examiners tailor the application of existing supervisory guidance on liquidity risk management to reflect the liquidity characteristics of supervised insurance organizations.⁹⁴ For example, guidance on intra-day liquidity management would only be applicable for supervised insurance organizations with material intra-day liquidity risks. Additionally, specific references to liquid assets may be more broadly interpreted to include other asset classes such as certain investment-grade corporate bonds.

The scope of the Federal Reserve's supervisory activities on liquidity risk is influenced by each firm's individual risk profile. Traditional property and casualty insurance products are typically short duration liabilities backed by short-duration, liquid assets. Because of this, they typically present lower liquidity risk than traditional banking activities. However, some nontraditional life insurance and retirement products create liquidity risk through features that allow payments at the request of policyholders without the occurrence of an insured event. Risks of certain other

insurance products are often mitigated using derivatives. Any differences between collateral requirements related to hedging and the related liability cash flows can also create liquidity risk. The Board expects firms significantly engaged in these types of insurance activities to have correspondingly more sophisticated liquidity risk management programs.

A strong liquidity risk management program includes cash flow forecasting with appropriate granularity. The firm's suite of quantitative metrics should effectively inform senior management and the board of directors of the firm's liquidity risk profile and identify liquidity events or stresses that could detrimentally affect the firm. The metrics used to measure a firm's liquidity position may vary by type of business.

Federal Reserve examiners rely to the fullest extent possible on each firm's ORSA, which requires all firms to include a discussion of the risk management framework and assessment of material risks, including liquidity risk.

Supervised insurance organizations are expected to perform liquidity stress testing at least annually and more frequently, if necessary, based on their risk profile. The scenarios used should reflect the firm's specific risk profile and include both idiosyncratic and system-wide stress events. Stress testing should inform the firm on the amount of liquid assets necessary to meet net cash outflows over relevant time periods, including at least a one-year time horizon. Firms should hold a liquidity buffer comprised of highly liquid assets to meet stressed net cash outflows. The liquidity buffer should be measured using appropriate haircuts based on asset quality, duration, and expected market illiquidity based on the stress scenario assumptions. Stress testing should reflect the expected impact on collateral requirements. For material life insurance operations, Federal Reserve examiners will rely to the greatest extent possible on information submitted by the firm to comply with the National Association of Insurance Commissioners' (NAIC) liquidity stress test framework.

The fungibility of sources of liquidity is often limited between an insurance group's legal entities. Large insurance groups can operate with a significant number of legal entities and many different regulatory and operational barriers to transferring funds among them. Regulations designed to protect policyholders of insurance operating companies can limit the transferability of funds from an insurance company to other legal entities within the group, including to other insurance operating companies. Supervised insurance organizations should carefully consider these limitations in their stress testing and liquidity risk management framework. Effective liquidity stress testing should include stress testing at the legal entity level with consideration for intercompany liquidity fungibility. Furthermore, the firm should be able to measure and provide an assessment of liquidity at the top-tier depository institution holding company in a manner that incorporates fungibility constraints.

The enterprise-wide governance and oversight framework should be consistent

with the firm's liquidity risk profile and include policies and procedures on liquidity risk management. The firm's policies and procedures should describe its liquidity risk reporting, stress testing, and contingency funding plan.

B. Supervisory Ratings

Supervised insurance organizations are expected to operate in a safe and sound manner, to comply with all applicable laws and regulations, and to possess sufficient financial and operational strength to serve as a source of strength for their depository institution(s) through a range of stressful yet plausible conditions. Supervisory ratings and supervisory findings are used to communicate the assessment of a firm. Federal Reserve examiners periodically assign one of four ratings to each of the three rating components used to assess supervised insurance organizations. The rating components are Capital Management, Liquidity Management, and Governance & Controls. The four potential ratings are Broadly Meets Expectations, Conditionally Meets Expectations, Deficient-1, and Deficient-2. To be considered "well managed," a firm must receive a rating of Conditionally Meets Expectations or better in each of the three rating components or a rating of Deficient-1 in one rating component and Broadly Meets Expectations or Conditionally Meets Expectations for each of the other two rating components. A firm rated Deficient-1 for two or more rating components or Deficient-2 for any rating component would not be considered "well managed." Each rating is defined specifically for supervised insurance organizations with particular emphasis on the obligation that firms serve as a source of financial and managerial strength for their depository institution(s). High-level definitions for each rating are below, followed by more specific rating definitions for each component.

Broadly Meets Expectations. The supervised insurance organization's practices and capabilities broadly meet supervisory expectations. The holding company effectively serves as a source of managerial and financial strength for its depository institution(s) and possesses sufficient financial and operational strength and resilience to maintain safe-and-sound operations through a range of stressful yet plausible conditions. The firm may have outstanding supervisory issues requiring corrective actions, but these are unlikely to present a threat to its ability to maintain safe-and-sound operations and unlikely to negatively impact its ability to fulfill its obligation to serve as a source of strength for its depository institution(s). These issues are also expected to be corrected on a timely basis during the normal course of business.

Conditionally Meets Expectations. The supervised insurance organization's practices and capabilities are generally considered sound. However, certain supervisory issues are sufficiently material that if not resolved in a timely manner during the normal course of business, may put the firm's prospects for remaining safe and sound, and/or the holding company's ability to serve as a source of managerial and financial strength for its

⁹⁴ See SR Letter 10-6, "Interagency Policy Statement on Funding and Liquidity Risk Management."

depository institution(s), at risk. A firm with a Conditionally Meets Expectations rating has the ability, resources, and management capacity to resolve its issues and has developed a sound plan to address the issue(s) in a timely manner. Examiners will work with the firm to develop an appropriate timeframe during which it will be required to resolve that supervisory issue(s) leading to this rating.

Deficient-1. Financial or operational deficiencies in a supervised insurance organization's practices or capabilities put its prospects for remaining safe and sound, and/or the holding company's ability to serve as a source of managerial and financial strength for its depository institution(s), at significant risk. The firm is unable to remediate these deficiencies in the normal course of business, and remediation would typically require it to make material changes to its business model or financial profile, or its practices or capabilities. A firm with a Deficient-1 rating is required to take timely action to correct financial or operational deficiencies and to restore and maintain its safety and soundness and compliance with laws and regulations.

Supervisory issues that place the firm's safety and soundness at significant risk, and where resolution is likely to require steps that clearly go beyond the normal course of business—such as issues requiring a material change to the firm's business model or financial profile, or its governance, risk management or internal control structures or practices—would generally warrant assignment of a Deficient-1 rating. Firms with one or more Deficient-1 component ratings may be subject to an informal or formal enforcement action, depending on particular facts and circumstances.

Deficient-2. Financial or operational deficiencies in a supervised insurance organization's practices or capabilities present a threat to its safety and soundness, have already put it in an unsafe and unsound condition, and/or make it unlikely that the holding company will be able to serve as a source of financial and managerial strength to its depository institution(s). A firm with a Deficient-2 rating is required to immediately implement comprehensive corrective measures and demonstrate the sufficiency of contingency planning in the event of further deterioration.

There is a strong presumption that a firm with a Deficient-2 rating will be subject to a formal enforcement action.

Definitions for the Governance and Controls Component Rating

Broadly Meets Expectations. Despite the potential existence of outstanding supervisory issues, the supervised insurance organization's governance and controls broadly meet supervisory expectations, supports maintenance of safe-and-sound operations, and supports the holding company's ability to serve as a source of financial and managerial strength for its depository institution(s). Specifically, the firm's practices and capabilities are sufficient to align strategic business objectives with its risk appetite and risk management capabilities; maintain effective and independent risk management and control functions, including internal audit; promote

compliance with laws and regulations; and otherwise provide for the firm's ongoing financial and operational resiliency through a range of conditions. The firm's governance and controls clearly reflect the holding company's obligation to act as a source of financial and managerial strength for its depository institution(s).

Conditionally Meets Expectations. Certain material financial or operational weaknesses in a supervised insurance organization's governance and controls practices may place the firm's prospects for remaining safe and sound through a range of conditions at risk if not resolved in a timely manner during the normal course of business. Specifically, if left unresolved, these weaknesses may threaten the firm's ability to align strategic business objectives with its risk appetite and risk-management capabilities; maintain effective and independent risk management and control functions, including internal audit; promote compliance with laws and regulations; or otherwise provide for the firm's ongoing resiliency through a range of conditions. Supervisory issues may exist related to the firm's internal audit function, but internal audit is still regarded as effective.

Deficient-1. Deficiencies in a supervised insurance organization's governance and controls put its prospects for remaining safe and sound through a range of conditions at significant risk. The firm is unable to remediate these deficiencies in the normal course of business, and remediation would typically require a material change to the firm's business model or financial profile, or its governance, risk management or internal control structures or practices.

Examples of issues that may result in a Deficient-1 rating include, but are not limited to:

- The firm may be currently subject to, or expected to be subject to, informal or formal enforcement action(s) by the Federal Reserve or another regulator tied to violations of laws and regulations that indicate severe deficiencies in the firm's governance and controls.

- Significant legal issues may have or be expected to impede the holding company's ability to act as a source of financial strength for its depository institution(s).

- The firm may have engaged in intentional misconduct.

- Deficiencies within the firm's governance and controls may limit the credibility of the firm's financial results, limit the board or senior management's ability to make sound decisions, or materially increase the firm's risk of litigation.

- The firm's internal audit function may be considered ineffective.

- Deficiencies in the firm's governance and controls may have limited the holding company's ability to act as a source of financial and/or managerial strength for its depository institution(s).

Deficient-2. Financial or operational deficiencies in a supervised insurance organization's governance and controls present a threat to its safety and soundness, a threat to the holding company's ability to serve as a source of financial strength for its depository institution(s), or have already put the firm in an unsafe and unsound condition.

Examples of issues that may result in a Deficient-2 rating include, but are not limited to:

- The firm is currently subject to, or expected to be subject to, formal enforcement action(s) by the Federal Reserve or another regulator tied to violations of laws and regulations that indicate severe deficiencies in the firm's governance and controls.

- Significant legal issues may be impeding the holding company's ability to act as a source of financial strength for its depository institution(s).

- The firm may have engaged in intentional misconduct.

- The holding company may have failed to act as a source of financial and/or managerial strength for its depository institution(s) when needed.

- The firm's internal audit function is regarded as ineffective.

Definitions for the Capital Management Component Rating

Broadly Meets Expectations. Despite the potential existence of outstanding supervisory issues, the supervised insurance organization's capital management broadly meets supervisory expectations, supports maintenance of safe-and-sound operations, and supports the holding company's ability to serve as a source of financial strength for its depository institution(s).

Specifically:

- The firm's current and projected capital positions on a consolidated basis and within each of its material business lines/legal entities comply with regulatory requirements and support its ability to absorb potential losses, meet obligations, and continue to serve as a source of financial strength for its depository institution(s);

- Capital management processes are sufficient to give credibility to stress testing results and the firm is capable of producing sound assessments of capital adequacy through a range of stressful yet plausible conditions; and

- Potential capital fungibility issues are effectively mitigated, and capital contingency plans allow the holding company to continue to act as a source of financial strength for its depository institution(s) through a range of stressful yet plausible conditions.

Conditionally Meets Expectations. Capital adequacy meets regulatory minimums, both currently and on a prospective basis. Supervisory issues exist but these do not threaten the holding company's ability to act as a source of financial strength for its depository institution(s) through a range of stressful yet plausible conditions.

Specifically, if left unresolved, these issues:

- May threaten the firm's ability to produce sound assessments of capital adequacy through a range of stressful yet plausible conditions; and/or

- May result in the firm's projected capital positions being insufficient to absorb potential losses, comply with regulatory requirements, and support the holding company's ability to meet current and prospective obligations and continue to serve as a source of financial strength to its depository institution(s).

Deficient-1. Financial or operational deficiencies in a supervised insurance

organization's capital management put its prospects for remaining safe and sound through a range of plausible conditions at significant risk. The firm is unable to remediate these deficiencies in the normal course of business, and remediation would typically require a material change to the firm's business model or financial profile, or its capital management processes.

Examples of issues that may result in a Deficient-1 rating include, but are not limited to:

- Capital adequacy currently meets regulatory minimums although there may be uncertainty regarding the firm's ability to continue meeting regulatory minimums.
- Fungibility concerns may exist that could challenge the firm's ability to contribute capital to its depository institutions under certain stressful yet plausible scenarios.
- Supervisory issues may exist that undermine the credibility of the firm's current capital adequacy and/or its stress testing results.

Deficient-2. Financial or operational deficiencies in a supervised insurance organization's capital management present a threat to the firm's safety and soundness, a threat to the holding company's ability to serve as a source of financial strength for its depository institution(s), or have already put the firm in an unsafe and unsound condition.

Examples of issues that may result in a Deficient-2 rating include, but are not limited to:

- Capital adequacy may currently fail to meet regulatory minimums or there is significant concern that the firm will not meet capital adequacy minimums prospectively.
- Supervisory issues may exist that significantly undermine the firm's capital adequacy metrics either currently or prospectively.
- Significant fungibility constraints may exist that would prevent the holding company from contributing capital to its depository institution(s) and fulfilling its obligation to serve as a source of financial strength.
- The holding company may have failed to act as source of financial strength for its depository institution when needed.

Definitions for the Liquidity Management Component Rating

Broadly Meets Expectations. Despite the potential existence of outstanding supervisory issues, the supervised insurance organization's liquidity management broadly meets supervisory expectations, supports maintenance of safe-and-sound operations, and supports the holding company's ability to serve as a source of financial strength for its depository institutions(s). The firm generates sufficient liquidity to meet its short-term and long-term obligations currently and under a range of stressful yet plausible conditions. The firm's liquidity management processes, including its liquidity contingency planning, support its obligation to act as a source of financial strength for its depository institution(s).

Specifically:

- The firm is capable of producing sound assessments of liquidity adequacy through a

range of stressful yet plausible conditions; and

- The firm's current and projected liquidity positions on a consolidated basis and within each of its material business lines/legal entities comply with regulatory requirements and support the holding company's ability to meet obligations and to continue to serve as a source of financial strength for its depository institution(s).

Conditionally Meets Expectations. Certain material financial or operational weaknesses in a supervised insurance organization's liquidity management place its prospects for remaining safe and sound through a range of stressful yet plausible conditions at risk if not resolved in a timely manner during the normal course of business.

Specifically, if left unresolved, these weaknesses:

- May threaten the firm's ability to produce sound assessments of liquidity adequacy through a range of conditions; and/or
- May result in the firm's projected liquidity positions being insufficient to comply with regulatory requirements and support the firm's ability to meet current and prospective obligations and to continue to serve as a source of financial strength to its depository institution(s).

Deficient-1. Financial or operational deficiencies in a supervised insurance organization's liquidity management put the firm's prospects for remaining safe and sound through a range of stressful yet plausible conditions at significant risk. The firm is unable to remediate these deficiencies in the normal course of business, and remediation would typically require a material change to the firm's business model or financial profile, or its liquidity management processes.

Examples of issues that may result in a Deficient-1 rating include, but are not limited to:

- The firm is currently able to meet its obligations but there may be uncertainty regarding the firm's ability to do so prospectively.
- The holding company's liquidity contingency plan may be insufficient to support its obligation to act as a source of financial strength for its depository institution(s).
- Supervisory issues may exist that undermine the credibility of the firm's liquidity metrics and stress testing results.

Deficient-2. Financial or operational deficiencies in a supervised insurance organization's liquidity management present a threat to its safety and soundness, a threat to the holding company's ability to serve as a source of financial strength for its depository institution(s), or have already put the firm in an unsafe and unsound condition.

Examples of issues that may result in a Deficient-2 rating include, but are not limited to:

- Liquidity shortfalls may exist within the firm that have prevented the firm, or are expected to prevent the firm, from fulfilling its obligations, including the holding company's obligation to act as a source of financial strength for its depository institution(s).
- Liquidity adequacy may currently fail to meet regulatory minimums or there is

significant concern that the firm will not meet liquidity adequacy minimums prospectively for at least one of its regulated subsidiaries.

- Supervisory issues may exist that significantly undermine the firm's liquidity metrics either currently or prospectively.
- Significant fungibility constraints may exist that would prevent the holding company from supporting its depository institution(s) and fulfilling its obligation to serve as a source of financial strength.
- The holding company may have failed to act as source of financial strength for its depository institution when needed.

C. Incorporating the Work of Other Supervisors

Similar to the approach taken by the Federal Reserve in its consolidated supervision of other firms, the oversight of supervised insurance organizations relies to the fullest extent possible, on work performed by other relevant supervisors. Federal Reserve supervisory activities are not intended to duplicate or replace supervision by the firm's other regulators and Federal Reserve examiners typically do not specifically assess firms' compliance with laws outside of its jurisdiction, including state insurance laws. The Federal Reserve collaboratively coordinates with, communicates with, and leverages the work of the Office of the Comptroller of the Currency (OCC), Federal Deposit Insurance Corporation (FDIC), Securities and Exchange Commission (SEC), Financial Crimes Enforcement Network (FinCEN), Internal Revenue Service (IRS), applicable state insurance regulators, and other relevant supervisors to achieve its supervisory objectives and eliminate unnecessary burden.

Existing statutes specifically require the Board to coordinate with, and to rely to the fullest extent possible on work performed by the state insurance regulators. The Board and all state insurance regulators have entered into Memorandums of Understanding (MOU) allowing supervisors to freely exchange information relevant for the effective supervision of supervised insurance organizations. Federal Reserve examiners take the actions below with respect to state insurance regulators to support accomplishing the objective of minimizing supervisory duplication and burden, without sacrificing effective oversight:

- Routine discussions (at least annually) with state insurance regulatory staff with greater frequency during times of stress;
- Discussions around the annual supervisory plan, including how best to leverage work performed by the state and potential participation by state insurance regulatory staff on relevant supervisory activities;
- Consideration of the opinions and work done by the state when scoping relevant examination activities;
- Documenting any input received from the state and considering the assessments of and work performed by the state for relevant supervisory activities;
- Sharing and discussing with the state the annual ratings and relevant conclusion documents from supervisory activities;

- Collaboratively working with the states and the NAIC on the development of policies that affect insurance depository institution holding companies; and

- Participating in supervisory colleges.

The Federal Reserve relies on the state insurance regulators to participate in the activities above and to share proactively their supervisory opinions and relevant documents. These documents include the annual ORSA,⁹⁵ the state insurance regulator's written assessment of the ORSA, results from its examination activities, the Corporate Governance Annual Disclosure, financial analysis memos, risk assessments, material risk determinations, material transaction filings (Form D), the insurance holding company system annual registration statement (Form B), submissions for the NAIC liquidity stress test framework, and other state supervisory material.

If the Federal Reserve determines that it is necessary to perform supervisory activities related to aspects of the supervised insurance organization that also fall under the jurisdiction of the state insurance regulator, it will communicate the rationale and result of these activities to the state insurance regulator.

By order of the Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–19945 Filed 11–14–25; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Payments Research Survey (FR 3067; OMB No. 7100–0355).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghrabi@frb.gov, (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at <https://www.reginfo.gov/public/do/PRAMain>. These documents are also available on the Federal Reserve Board's public website at <https://www.federalreserve.gov/apps/reportingforms/review> or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 3067.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: Payments Research Survey.

Collection identifier: FR 3067.

OMB control number: 7100–0355.

General description of collection: The Board uses this ad hoc collection to obtain information, as needed, on specific and time-sensitive issues, related to payments research, which may provide insights that augment the Federal Reserve System's effectiveness within the payments system.

Frequency: On occasion.

Respondents: Respondents may consist of depository institutions, including bank holding companies, savings and loan holding companies, Edge or agreement corporations, and intermediate holding companies and agencies of foreign banks. Other respondents may include financial and nonfinancial businesses, for-profit and nonprofit enterprises, federal, state, and local governments, individual consumers, or households.

Total estimated number of respondents: 10,000.

Total estimated annual burden hours: 30,000

Current actions: On May 29, 2025, the Board published a notice in the **Federal Register** (90 FR 22725) requesting public comment for 60 days on the extension, without revision, of the FR

3067. The comment period for this notice expired on July 28, 2025. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, October 9, 2025.

Erin M. Cayce,

Assistant Secretary of the Board.

[FR Doc. 2025–19931 Filed 11–14–25; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Recordkeeping and Disclosure Requirements Associated with Regulation H (Loans Secured by Real Estate Located in Flood Hazard Areas) (FR H–2; OMB No. 7100–0280).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghrabi@frb.gov, (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at <https://www.reginfo.gov/public/do/PRAMain>. These documents are also available on the Federal Reserve Board's public website at <https://www.federalreserve.gov/apps/reportingforms/review> or may be requested from

⁹⁵ See NAIC Own Risk and Solvency Assessment (ORSA) Guidance Manual (December 2017), at <https://content.naic.org/sites/default/files/publication-orsa-guidance-manual.pdf>.

the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR H-2.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: Recordkeeping and Disclosure Requirements Associated with Regulation H (Loans Secured by Real Estate Located in Flood Hazard Areas).

Collection identifier: FR H-2.

OMB control number: 7100-0280.

General description of collection: The federal flood insurance statutes and Regulation H—Membership of State Banking Institutions in the Federal Reserve System (12 CFR part 208) provide that a lender shall not make, increase, extend, or renew a loan secured by a building or mobile home located in a special flood hazard area unless the secured property is covered by flood insurance for the term of the loan. With respect to the recordkeeping and disclosure provisions, Regulation H generally requires state member banks to retain certain flood hazard documentation and to notify borrowers and servicers regarding properties in flood hazard areas and requirements related to flood insurance. State member banks also must notify the Federal Emergency Management Agency of the identity of, and any change in, the servicer of a loan secured by improved property in a special flood hazard area. The information collection requirements under the flood hazard provisions of Regulation H are triggered by specific events in the lending process.

Frequency: Event-generated.

Respondents: State member banks or servicers acting on their behalf.

Total estimated number of respondents: 706.

Total estimated annual burden hours: 33,983.

Current actions: On April 2, 2025, the Board published a notice in the **Federal Register** (90 FR 14443) requesting public comment for 60 days on the extension, without revision, of the FR H-2. The comment period for this notice expired on June 2, 2025. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, October 9, 2025.

Erin M. Cayce,

Assistant Secretary of the Board.

[FR Doc. 2025-19934 Filed 11-14-25; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Consumer Complaint Form (FR 1379c), and Interagency Appraisal Complaint Form (FR 1379d) (collectively FR 1379; OMB No. 7100-0135).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghribi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghrabi@frb.gov, (202) 452-3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395-6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at <https://www.reginfo.gov/public/do/PRAMain>. These documents are also available on the Federal Reserve Board's public website at <https://www.federalreserve.gov/apps/reportingforms/review> or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 1379.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: Consumer Complaint Form (FR 1379c) and Interagency Appraisal Complaint Form (FR 1379d).

Collection identifiers: FR 1379c and FR 1379d.

OMB control number: 7100-0135.

General description of collection: The FR 1379c form is for consumers to submit a complaint against a financial institution. The FR 1379d form collects information about complaints regarding a regulated institution's non-compliance with the appraisal independence standards and the Uniform Standards of Professional Appraisal Practice, including complaints from appraisers, individuals, and other entities. The information is used to respond to consumer complaints and inquiries regarding practices by banks and other financial institutions supervised by the Board.

Frequency: Event-generated.

Respondents: Appraisers, individuals, financial institutions, and other entities.

Total estimated number of respondents: FR 1379c, 7,005; FR 1379d, 4.

Estimated average hours per response: FR 1379c, 0.17; FR 1379d, 0.33.

Total estimated annual burden hours: FR 1379c, 1,191; FR 1379d, 1.

Current actions: On May 29, 2025, the Board published a notice in the **Federal Register** (90 FR 22724) requesting public comment for 60 days on the extension, without revision, of the FR 1379. The comment period for this notice expired on July 28, 2025. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, October 9, 2025.

Erin M. Cayce,

Assistant Secretary of the Board.

[FR Doc. 2025-19936 Filed 11-14-25; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Recordkeeping and Disclosure Requirements Associated with Regulation CC (FR CC; OMB No. 7100-0235).

DATES: The information collection revisions are effective on December 17, 2025.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghrabi@frb.gov, (202) 452-3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395-6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at <https://www.reginfo.gov/public/do/PRAMain>. These documents are also available on the Federal Reserve Board's public website at <https://www.federalreserve.gov/apps/reportingforms/review> or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR CC.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Information Collection

Collection title: Recordkeeping and Disclosure Requirements Associated with Regulation CC. *Collection identifier:* FR CC.

OMB control number: 7100-0235.

General description of collection: Regulation CC requires banks to make funds deposited in transaction accounts available within specified time periods, disclose their funds availability policies to customers, begin accruing interest on such deposits promptly, and provide certain notices in connection with the nonpayment of certain checks. Regulation CC also requires banks to

provide consumer awareness disclosures and other notices regarding substitute checks. Regulation CC includes model disclosure forms, clauses, notices, and commentary to ease compliance with these requirements.

Frequency: Event-generated.

Respondents: State member banks and uninsured state branches and agencies of foreign banks.

Total estimated number of respondents: 668 (except for Special deposit slip and Notice of changes in policy, 100).

Total estimated change in burden: 25.

Total estimated annual burden hours: 134,352.

Current actions: On April 30, 2025, the Board published a notice in the **Federal Register** (90 FR 17932) requesting public comment for 60 days on the extension, with revision, of the FR CC. The Board proposed to take into account certain existing provisions in Regulation CC that include information collections, but had not been included in previous clearances. The comment period for this notice expired on June 30, 2025. The Board did not receive any comments relevant to this collection or the PRA. The revisions will be implemented as proposed.

Board of Governors of the Federal Reserve System, October 9, 2025.

Erin M. Cayce,

Assistant Secretary of the Board.

[FR Doc. 2025-19932 Filed 11-14-25; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

[Docket No. OP-1870]

Federal Reserve Action To Expand Fedwire® Funds Service and National Settlement Service Operating Hours

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Service Announcement.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is announcing that the Federal Reserve Banks (Reserve Banks) will expand the operating hours for the Fedwire Funds Service to 22 hours per day, 6 days per week, operating Sunday through Friday, including weekday holidays (22x6).¹ The Board is also announcing a corresponding expansion of the National Settlement Service's (NSS) operating hours to 21.5 hours per day,

¹ "Fedwire" is a service mark of the Federal Reserve Banks. References to "22x6" herein also refer to the corresponding expansion of NSS, unless the context indicates otherwise.

6 days per week, operating Sunday through Friday, including weekday holidays, with NSS closing 30 minutes earlier than the Fedwire Funds Service. The Board expects the Reserve Banks to implement this expansion in 2028 or 2029 to ensure technological, operational, and industry readiness. The decision to expand operating hours is intended to support a wide range of payment activities, as well as the U.S. dollar's key role in global commerce and the international financial system. Further, the planned expansion to 22x6 operating hours will serve as an interim step and provide the necessary foundational capability for the Reserve Banks to expand operating hours up to 22x7x365 in the future. The Board will monitor industry demand and will stand ready to offer an additional expansion up to 22x7x365 no sooner than two years after the Reserve Banks implement 22x6 operations. If the Board does propose to expand operating hours beyond 22x6, it will seek public comment in a separate proposal.

In addition, the Federal Reserve is exploring whether to expand discount window operating days in connection with the expansion of the Fedwire Funds Service. As part of this exploration, the Federal Reserve plans to conduct additional outreach to stakeholders to ensure it fully understands the benefits and costs of expanded discount window operations for institutions of various sizes.

FOR FURTHER INFORMATION CONTACT:

Mark Magro, Manager, Division of Reserve Bank Operations and Payment Systems; Aaron Compton, Lead Financial Institution Policy Analyst, Division of Reserve Bank Operations and Payment Systems; or Corinne Milliken Van Ness, Senior Counsel, Legal Division: (202) 452-3000. For users of text telephone systems (TTY) or any TTY-based Telecommunications Relay Services, please call 711 from any telephone, anywhere in the United States.

SUPPLEMENTARY INFORMATION:

I. Introduction

This notice is organized into five sections. Section I contains background information on the Federal Reserve's role in the payment system, a summary of the 2024 **Federal Register** notice proposing to expand Fedwire Funds Service and NSS operating hours to 22x7x365 (the 2024 Notice), and a summary of comments received in response to the 2024 Notice.² Section II

² 89 FR 39613 (May 9, 2024). The Fedwire Funds Service is currently open from 9:00 p.m. eastern

discusses the planned actions, which take into consideration comments submitted in response to the 2024 Notice. Section III assesses the planned expansion's compliance with the requirements of the Monetary Control Act of 1980 (MCA) and the Board's criteria for new services and major service enhancements. Section IV contains high-level implementation details and considerations for expanding Fedwire Funds Service and NSS operating hours. Section V is a competitive impact analysis of the expansion of the Fedwire Funds Service and NSS operating hours to 22x6.

A. Background

The Federal Reserve has a long-standing policy objective to foster a safe and efficient U.S. payment system. The Federal Reserve advances its objectives for the payment system in part through the Reserve Banks' operation of two large-value payment services: the Fedwire Funds Service and NSS.³ The Fedwire Funds Service is a real-time gross settlement (RTGS) service that allows participants to send and receive individual funds transfers up to one penny less than \$10 billion in value. Settlement of payments over the Fedwire Funds Service is immediate, final, and irrevocable. NSS is a multilateral settlement service that allows for immediate, final, and irrevocable settlement of obligations that arise from private-sector clearing arrangements, such as check clearinghouses, a private-sector automated clearinghouse (ACH) network, and securities settlement systems.⁴ Together, these services, alongside a large-value payment service

operated by the private sector, provide the backbone for the nation's payment system and support a significant amount of economic activity in the United States, including large-value domestic financial market transactions, the U.S. dollar leg of many cross-border transactions, and private-sector payment clearing arrangements.⁵

The Federal Reserve has consistently improved its payment services to meet the evolving needs of the U.S. economy. As technological advancements and globalization of commerce continue to drive change in the large-value payment landscape, the Board believes that expanding the availability of the Fedwire Funds Service and NSS will enhance the safety and efficiency of the U.S. payment system by extending the hours in which settlement in risk-free central bank money can occur.⁶

B. 2024 *Federal Register* Notice on Potential Federal Reserve Action

In May 2024, the Board published a request for comment on a proposal to expand the operating hours of the Fedwire Funds Service and NSS. In the 2024 Notice, the Board requested comment on the benefits, risks, and implementation considerations of expanding the operating hours of the Fedwire Funds Service to 22 hours per day, 7 days per week, every day of the year (22x7x365) and to correspondingly expand the operating hours of NSS, with NSS closing 30 minutes earlier than the Fedwire Funds Service.⁷ The public comment period for the 2024 Notice closed on September 6, 2024, following a 60-day extension of the original comment period.

In its 2024 Notice, the Board explained the potential benefits, costs, risks, and other considerations related to expanded hours for the Fedwire Funds Service and NSS. In particular, the Board noted how expanded hours might improve the safety and efficiency of both domestic and global large-value U.S. dollar payments, spur new or enhanced private-sector payment solutions, and increase times available for settlement of large-value consumer and business payments in central bank money. The Board also recognized that

expanded hours would result in greater overlap and reduced gaps in the operating hours for the Fedwire Funds Service and NSS and key large-value payment services in other jurisdictions. The Board explained that greater overlap with the operating hours of other RTGS systems could in turn support more-efficient cross-border payments and would be consistent with the actions of other central banks that are expanding or considering expanding the operating hours of their large-value payment services.

The Board recognized in the 2024 Notice the need to weigh the potential benefits of expanded hours against the potential costs and risks. The 2024 Notice explained that expanded hours would impose costs on both the Reserve Banks and institutions that participate in the Fedwire Funds Service and NSS due to operational and technical changes. These costs would vary by institution, depending on the level of changes and staffing needed to support such a change. The 2024 Notice also noted that expanded hours could potentially exacerbate liquidity outflows over the weekend and holidays—including for banks under stress—and sought comment on the need for discount window operations to support expanded hours.

The 2024 Notice sought comments on a number of topics relating to the benefits, costs, and risks of expanding the Fedwire Funds Service and NSS operating hours. For example, the Board sought information on the primary sources of demand for expanded hours, the incremental costs associated with expanded hours, and market conditions or barriers that might affect adoption of expanded hours. The Board also sought information about how expanded hours could support innovation and potential future uses of the Fedwire Funds Service and NSS, whether commenters might prefer an interim expansion of operating hours, timelines for implementation, and anticipated liquidity needs in an expanded hours environment. The Board also asked how the ability for participants to opt out of expanded hours might introduce benefits and challenges and how the initiative to expand operating hours should be considered in light of other enhancements or initiatives related to the Fedwire Funds Service and NSS. The following section summarizes commenters' views on these questions and on the Board's proposal in the 2024 Notice.

C. Summary of Comments

The Board received 145 comment letters in response to the 2024 Notice.

time (ET) of the preceding calendar day to 7:00 p.m. ET, five days per week, Monday through Friday excluding holidays observed by the Reserve Banks. NSS is open from 9:00 p.m. to 6:30 p.m. ET, five days per week, Monday through Friday excluding holidays observed by the Reserve Banks. The Federal Reserve has historically provided at least 30 minutes between the close of NSS and the close of the Fedwire Funds Service, recognizing that the Fedwire Funds Service is the primary alternative for orderly and efficient settlement of bilateral obligations in case a settlement arrangement is unable to complete its multilateral settlement through NSS.

³ The Fedwire Funds Service supports large-value payments (frequently referred to as "wholesale" payments). The majority of the value is sent via bank-to-bank transfers, while the majority of the volume is sent via third-party or "customer" transfers, which are sent by Fedwire participants on behalf of their customers (for example, corporations, consumers, and nonbank financial institutions). The average value of a payment in 2024 on the Fedwire Funds Service was \$5.4 million, and the median value was approximately \$18,000.

⁴ Settlement files submitted to NSS can be for an amount up to one penny less than \$10 trillion; each entry in a settlement file can be for an amount up to one penny less than \$100 billion.

⁵ The private-sector large-value payment service is CHIPS®, which is owned and operated by The Clearing House Payments Company L.L.C. (TCH). "CHIPS" is a registered service mark of TCH.

⁶ Central bank money is a liability of the central bank that can be used for settlement purposes and is considered free of credit and liquidity risks. Central bank money has traditionally taken two forms: cash and reserve balances held by eligible financial institutions at the central bank.

⁷ References to 22x7x365 herein also refer to the corresponding expansion of NSS, unless the context indicates otherwise.

Comments were submitted by a wide variety of stakeholders in the U.S. payment system, comprising respondents from 37 states and corresponding to the following market segments: small and mid-size banks, large banks, individuals, trade organizations, service providers, financial market utilities (FMUs), fintech companies, private-sector operators, and other interested parties.⁸ Overall, banks were the largest group of respondents, submitting more than half of the comment letters. In addition, a number of trade organizations submitted letters on behalf of constituents in several industry segments, including small and midsize banks, large banks, payments associations, fintech companies, capital markets participants, businesses, and professional associations.

1. Benefits, Costs, and Risks

Certain commenter segments expressed clear preferences on the proposal to expand operating hours to 22x7x365 based on their particular needs and circumstances in the payment system. Most notably, a large majority of respondents from large banks, financial market utilities, service providers, and fintech organizations supported the proposal because of the benefits outlined in the Board's 2024 Notice. On the other hand, a large majority of small to midsize banks and individuals did not support the proposal, noting that costs and challenges related to staffing, operational changes, and competitive pressure from large banks, among other considerations, would outweigh any benefits from the proposal. The perspectives of trade organizations generally reflected the views of the industry segments that they represent. Trade organizations associated with large banks, financial professionals, fintech firms, and payments

associations were supportive of the proposal and represented the majority of trade organization comments. Trade organizations representing small institutions generally were not in favor of the proposal, although some of these organizations indicated that certain implementation approaches could help alleviate challenges. Some trade organizations presented varied opinions based on disparate views within their membership, such as contrasting views among banks of different sizes.

The following subsections summarize themes that commenters raised with respect to the benefits, costs, and risks presented by the proposal. The Board's response to these themes can be found in sections II, III, and IV.

a. Impact on the U.S. Large-Value Payment System

Many commenters from large banks, fintech firms, and other groups representing financial market stakeholders stated that the proposal would improve safety, efficiency, and innovation in both the domestic and global markets for large-value U.S. dollar payments. These commenters viewed expansion of Fedwire Funds Service and NSS operating hours to 22x7x365 as a worthwhile investment to modernize the U.S.'s large-value payment infrastructure, support the evolution of markets, and address the growing expectations of consumers and businesses in a global economy that operates continuously across time zones. Some commenters from institutions of various sizes suggested that large or globally active corporations and financial institutions would likely have substantially greater demand and use cases for expanded hours in the near term compared with small institutions. Further, a number of commenters from large banks, trade organizations representing financial institutions, private-sector operators, and fintech firms remarked that the potential benefits associated with expanded operating hours would depend on whether banks choose to participate in expanded hours.⁹

b. Benefits for Cross-Border Payments

Many commenters from various segments, particularly trade organizations and firms that are active in global payments markets, thought that the proposal would support greater speed and efficiency in cross-border U.S. dollar payments, such as payments related to international trade,

commerce, and foreign exchange. In particular, these commenters said the Board's proposal would support new settlement opportunities for the U.S. dollar leg of cross-border payments on weekend days and U.S. holidays when other international markets and large-value payment systems are open. Some of these commenters anticipated weekend demand for cross-border U.S. dollar payments to international markets that operate Sunday–Thursday, including a number of markets in the Middle East. Commenters also noted potentially significant demand for cross-border U.S. dollar payments on weekday holidays, given that these are regular business days in a wide range of international markets. Finally, a number of commenters in this group indicated that expanded hours would help maintain U.S. competitiveness in cross-border payment networks and would support the role of the U.S. dollar as the preferred currency for global settlement, particularly as other payment systems are expanding their operating hours in numerous jurisdictions across the world.

c. Benefits, Costs and Risks for Domestic Payments

In addition to the international considerations for expanded hours, many commenters noted that the Board's proposal for 22x7x365 operations would affect both large-value and retail domestic payments. A number of commenters that supported the proposal, including large banks and trade organizations, indicated that expanded hours for the Fedwire Funds Service and NSS would enable more-efficient funding of domestic instant payment services and would support other domestic large-value transactions, such as large business invoices; settlement transactions for merchants participating in card networks; consumer and commercial loans; transactions related to mergers, acquisitions and real estate; and insurance payouts. Some of these commenters further noted that such benefits would help ensure that the evolving needs of commerce are supported across both retail and wholesale infrastructures.

Some commenters noted that expanded hours for NSS would provide opportunities for private-sector payment systems to conduct multilateral settlement on additional days. Specifically, several commenters from payments associations and the U.S. Congress emphasized that expanded hours for NSS would enable additional settlement windows for ACH, which could support more frequent ACH

⁸ "Banks" include any type of depository institution, such as commercial banks, savings banks, savings and loan associations, and credit unions. "Service providers" are entities, such as core payment processors, that provide payment services, processing, or operational and technical support to financial institutions. "Financial market utilities" are multilateral systems that provide the essential infrastructure for transferring, clearing, and settling payments, securities, and other financial transactions among financial institutions or between financial institutions and those systems. "Private-sector operators" are entities that operate payment systems, such as the operator of the current private-sector RTGS services for large-value and instant payments, and payment card networks. For the purposes of this notice, a "small bank" is defined as having assets of less than \$10 billion and a "large bank" is defined as having assets of more than \$50 billion, while a "midsize bank" is defined as having assets between \$10 billion and \$50 billion.

⁹ Other commenters noted that alignment with other systems and markets is key to fully realizing the benefits envisioned in the Board's proposal.

payments for consumers and businesses, including payments related to payroll direct deposits and card-based sales. One commenter from a trade organization added that expanded hours for NSS alongside the Fedwire Funds Service would support safer and more efficient transactions across all clearing and settlement systems, such as FMUs and retail systems. On the other hand, many commenters from a variety of segments, including both small and large banks, expressed significant concern that expanding NSS hours could prompt private-sector ACH and check networks to expand processing days and settlement windows, potentially compelling their participants to operate on weekends. In addition, a number of commenters, including trade organizations for banks, suggested that expanded processing days and settlement windows for ACH and check services would be redundant and inefficient given the availability of 24x7 instant payment services, and might disincentivize further industry investment in instant payments. Similarly, a private-sector operator of payment systems commented that it would prefer to focus investments in its non-instant retail payment services on security, resiliency, and fraud mitigation rather than efforts to make those services available around the clock. Relatedly, a few commenters suggested that the Federal Reserve and other stakeholders should evaluate the costs and benefits of adding new ACH settlement windows through a separate public comment process. Most commenters, including trade organizations representing banks of various sizes, expressed strong views that the Federal Reserve should not take actions that could encourage further check usage, noting that check fraud has grown significantly.

A few commenters, including two trade associations for banks, noted that private-sector operators could use expanded NSS hours as a contingency funding mechanism in the event of a Fedwire Funds Service outage, supporting resiliency in the payment system. Finally, certain commenters requested that the Federal Reserve clarify its strategy and views with respect to the intended uses of different payment systems. The Board's responses to these considerations are addressed in section III.A.

d. Impact on Liquidity Management, Credit Risk, and Innovation

Many commenters that supported the proposal noted that new settlement opportunities in expanded hours could reduce credit risk and support greater

efficiency in liquidity management, which could also lead to innovation and enhanced services in the payment system, financial markets, and the broader economy. Regarding benefits to the payment system, many commenters associated with large banks noted that expanded hours would improve the efficiency of the private-sector retail instant payment service by allowing participants to manage their liquidity needs in the service on a just-in-time basis, reducing the challenges for participants associated with prefunding their payment activity ahead of weekends and holidays. A few commenters added that expanded hours for the Fedwire Funds Service could facilitate the expansion of the private sector's large-value payment system to weekends and holidays, which could increase benefits to the wholesale payment system.

Similarly, several fintech organizations noted that expanded hours would provide enhanced settlement opportunities and reduce the amount of prefunding that nonbank financial institutions (NBFIs) must hold with their commercial banks. Some of these commenters added that the safety and efficiency benefits arising from enhanced liquidity management would support innovation and growth in NBFIs service providers, many of which provide 24x7 services and promote the use of the U.S. dollar in global payments.

Regarding benefits to the banking, corporate, and financial market sectors, some commenters from large banks noted that expanded opportunities for settlement of large-value payments could be a catalyst for enhancements in bank and corporate treasury functions, enabling such functions to more effectively access, manage, and deploy capital to meet day-to-day needs for operations, investments, and risk management. In addition, some commenters noted that broader opportunities for the settlement of time-critical payments would be an important step toward enabling additional days for trade settlement in financial markets. Finally, some commenters representing FMUs noted that expanded hours could support additional collection periods for cash margin and liquidity, which could reduce credit risk and liquidity exposures around weekends and holidays and could increase resiliency in periods of market stress.

At the same time, many commenters that did not support the proposal and many that did support it noted that expanded hours could bring additional staffing costs and other challenges

related to liquidity management. A few commenters noted that the expansion of the Fedwire Funds Service and NSS hours may complicate institutions' liquidity management amid uncertainty over potential payment flows and liquidity sources. Several commenters suggested that financial institutions may increase their liquidity positions heading into the weekend or ahead of holidays to ensure they will have sufficient liquidity to meet their payments needs. Further, a number of commenters asked the Board to address the possibility that 22x7x365 operations could enable large deposit outflows during weekends and holidays in a bank run scenario, potentially exacerbating liquidity issues at banks in stress. A few commenters raised questions about the effect of the proposal on weekend bank resolution. Many of these same commenters also expressed support for the Federal Reserve to expand discount window operations to support liquidity provisions for both business-as-usual and financial stability reasons. Section IV addresses these concerns.

e. Demand for Large-Value Payments in Expanded Hours

Many commenters provided feedback on the expected demand for payments over the Fedwire Funds Service and NSS during expanded hours. Most large institutions identified several potential sources of demand for expanded hours; in contrast, most small institutions did not see immediate demand or business cases for participating in expanded hours, noting that instant payments are sufficient to meet their customers' needs. Other banks stated that potential demand is uncertain and suggested further study by the Federal Reserve.

Some commenters argued that expanding Fedwire Funds Service and NSS hours would likely shift existing volume to weekends and holidays rather than create demand for new transactions. Small banks suggested that this potential shifting dynamic would limit their business case for participating in expanded hours, whereas large financial institutions, businesses, and fintechs noted that payments tend to accumulate around holidays and weekends, so a shift in volume could actually help create a more efficient and predictable flow of payments over the week. Large financial institutions and commenters in the capital markets segment added that such a change in payment flows could support more efficient capital and liquidity management, provide greater funding flexibility and security for their customers, and spur the development of

markets and innovative services during weekends and holidays.

f. Staffing Costs and Competitive Impact

Staffing considerations represented the most common challenge noted by commenters. Over half of commenters that did not support the proposal expressed concern about the burden and cost to staff a range of support functions during expanded operating hours. This group of commenters, which consisted mostly of small banks, midsize banks, trade organizations representing those segments, and individuals, noted that small institutions would face a greater staffing burden than large institutions, because small institutions often rely heavily on manual processes to support wholesale payment operations, while larger institutions may have greater resources for automation and flexible staffing models. A number of small banks and individuals expressed concern that expanded hours would harm the quality of life of employees required to work during those hours and that it would be difficult to hire qualified staff as a result.

Many institutions, including those from the small bank and fintech segments, commented on the impact expanded hours would have on their ability to compete with other institutions. Most small banks thought that expanded hours would widen their competitive gap with large banks, noting that large banks are better positioned to offer weekend and holiday wholesale payment services in a cost-effective manner. A few of these commenters indicated that small banks may feel the need to participate in expanded operating hours to appear competitive despite having neither substantial customer demand nor the financial returns to justify participation. On the other hand, some commenters associated with large banks and fintech firms noted that expanded hours could support competition in the payment system by providing a better platform on which both traditional and emerging players can compete in the around-the-clock market for payment services.

g. Other Operational Considerations

Many commenters from various segments noted that, in order to use the proposed 22x7x365 operating hours for the Fedwire Funds Service and NSS, institutions would need to incur certain incremental costs to modify or upgrade systems and operational processes related to a range of risk management and business functions, with most small institutions noting that such costs would outweigh their potential benefits

from the proposal.¹⁰ Other commenters noted that costs could be modest to the extent that institutions are able to build on existing infrastructure they use to support weekend and holiday operations for other services (for example, 24x7x365 instant payments). Some commenters, including banks and trade organizations representing a range of bank sizes, highlighted the need and challenges of providing adequate fraud and cyber risk management measures in a 22x7x365 operating environment, given that these risks could be elevated during periods when fewer resources may be available to monitor risk controls. The Board's responses to commenters' concerns related to fraud and cyber risk are discussed in section IV.

In addition, many commenters noted that, in order to participate in 22x7x365 operations for the Fedwire Funds Service and NSS, banks would need to adapt systems and processes to operate with limited downtime, which could significantly increase costs and operational risks, depending on a participant's particular level of readiness and the amount of time it has to prepare for expanded hours. Commenters explained that existing downtime on weekends provides a key window for firms of all sizes to conduct system maintenance, upgrades, and testing to support the resilience of firms' technical infrastructure to operational and cyber incidents. Some commenters noted that only two hours of downtime per day in a 22x7x365 operating schedule would not provide sufficient downtime to accommodate system changes and other operational activities. Given these considerations, commenters from both large and small institutions asked for ample time to prepare for expanded hours, with some commenters requesting a phased approach that would start by maintaining substantial windows of downtime.

Many commenters provided feedback on the Board's proposal to extend its existing optional participation model for the Fedwire Funds Service and NSS to include expanded operating hours. Many commenters from various segments supported the Board's proposal to maintain optionality, with some noting that the model would help participants avoid the costs and risks of

¹⁰ Commenters noted that there could be substantial costs to extend and modify systems and support functions for managing fraud risk, credit risk, cyber risk, compliance, accounting, reporting, customer service, and other downstream and upstream operations. A number of commenters, particularly from small banks, also cited the need for key vendors to be available during expanded hours to support bank operations.

participation if such participants do not see sufficient benefits. Other commenters raised concerns and considerations related to the opt-in model that are addressed in detail in section IV.

2. Implementation Considerations

a. Preferences for an Interim Step and Daily Operating Hours

A small segment of commenters directly addressed the Board's question on whether commenters would prefer an interim expansion of operating hours before moving to 22x7x365 as proposed. Some commenters, primarily representing large banks and fintech firms, did not think the Board should pursue an interim expansion short of 22x7x365, because that approach could add complexity and cost relative to a single-step expansion to 22x7x365. At the same time, many commenters from multiple segments emphasized that the Board's final decision on operating hours should aim to mitigate risks and impacts to participants, and that clarity on the Board's overall path on operating hours would help banks reduce the cost of a phased expansion process.

A significant number of commenters that responded to the Board's question preferred a phased approach with an initial expansion short of 22x7x365. While many commenters representing small institutions were not in favor of expanded hours, a number of these commenters suggested that, with sufficient time to adapt, a shorter or phased expansion approach could be manageable. Commenters suggested various ideas for an interim step, with no consensus on a path forward. Suggestions for an interim step generally included one or a combination of the following: excluding federal holidays, excluding weekends, operating six days per week instead of seven, and retaining a specified number of down weekends or days per year. Many of these commenters noted that an interim step would help participants adapt to new operational needs and provide an opportunity to test demand for expanded hours.

A few commenters indicated preferences for certain changes to the daily operating hours of the Fedwire Funds Service and NSS, although most commenters did not suggest any changes to the daily operating schedule of these services for either current or expanded operating days. Specifically, a few commenters representing institutions in western U.S. time zones asked for a later daily closing time for the Fedwire Funds Service and NSS, noting that this change would better

align with the business day in those regions. In addition, one of these commenters asked for weekend and holiday operating hours to be limited to 9:00 a.m. to 5:00 p.m. ET to reduce staffing and system costs for participants in expanded hours.

b. Timeline

About a quarter of commenters addressed the Board's question about their preferred timeline for implementing expanded hours. Of this group, the majority of commenters, consisting of large banks, FMUs, and various trade organizations, were in favor of the Board's proposal to implement expanded hours no sooner than two years after the migration of the Fedwire Funds Service to the ISO 2022 standard, which occurred in July 2025. Some commenters preferred that the implementation of expanded hours begin no sooner than two years after the publication of the Board's decision on expanded hours. These commenters noted that substantial lead time would help the industry adapt staffing, systems, and processes to be ready for expanded hours. Some commenters thought that the Board should not delay the expansion beyond two years. Other commenters indicated that the Board should determine the implementation date based on when a critical mass of participants are willing and ready to participate in expanded hours.

3. Other Considerations

The 2024 Notice asked for feedback on other considerations relevant to an expansion of operating hours for the Fedwire Funds Service and NSS. Commenters asked the Board to consider impacts on money laundering and sanctions compliance screening, with some commenters suggesting the Reserve Banks should conduct such screening. Several commenters suggested that expanded operating hours may require changes to the regulatory definitions of "banking day" and "business day." Commenters also raised topics that were outside the scope of the proposal. These comments are addressed in detail in section IV.C.6.

Commenters also provided feedback on the Board's plan not to expand the operating hours of the Fedwire Securities Service at this time, which is addressed in section IV.C.5.

II. Planned Action

After consideration of the comments received regarding the benefits, costs, and risks of expanding Fedwire Funds Service and NSS operating hours, the Board has decided to expand the operating hours of the Fedwire Funds

Service to 22 hours per day, 6 days per week, operating Sunday through Friday, including weekday holidays (22x6), and to expand the operating hours of NSS correspondingly, with NSS closing 30 minutes earlier than the Fedwire Funds Service. The Board believes that expanding operating hours to 22x6 as an interim step, rather than straight to 22x7x365 as originally proposed, balances the considerations raised by different stakeholders, particularly the differing views of large and small institutions, and supports the Board's policy objective to foster a safe and efficient U.S. payment system for the long term.¹¹

The Board has further decided that the Fedwire Funds Service and NSS will follow the same daily operating hours on Sundays and holidays as they do for current business days, with the Fedwire Funds Service opening at 9:00 p.m. ET on the calendar day preceding a business day and closing at 7:00 p.m. ET on the business day. Based on this schedule, the Fedwire Funds Service will retain 26 hours of weekend downtime from its 7:00 p.m. ET close on Friday to 9:00 p.m. ET on Saturday when it will open for the Sunday business day, providing a weekly period for participants and other stakeholders to conduct maintenance and testing.¹² Section IV.A explains why the Board determined that 22x6 expanded hours should consist of a Sunday operating day and why all operating days, including Sundays and holidays, should operate on the same hours.

After considering public comments on the preferred timeline for implementing expanded hours, the Board plans for the Reserve Banks to implement the 22x6 expansion in 2028 or 2029. This time frame is intended to provide sufficient time for the industry to complete any remaining changes related to the migration of the Fedwire Funds Service to the ISO 2022 standard, which was completed in July 2025, and to make any necessary technical and operational changes to support expanded hours. The Reserve Banks will update and narrow their implementation time frame for 2028 or 2029 based on industry developments and additional outreach to participants, with the goal of providing sufficient advance notice to

all participants. The final go-live date will be informed by industry readiness factors, such as technical and operational considerations.

Regarding potential future expansions of operating hours beyond 22x6, the Board continues to believe and acknowledges comments that 22x7x365 operations could provide additional benefits to the payment system. As a result, the planned expansion to 22x6 will provide the foundational capability for the Reserve Banks to expand operating hours up to 22x7x365 in the future. The Board will continue to monitor industry demand and will stand ready to offer an additional expansion up to 22x7x365 operations no sooner than two years after implementing 22x6 operations. The Board believes that implementing 22x6 will provide stakeholders with the opportunity to better understand the demand, benefits, costs, risks, and operational tradeoffs related to a potential further expansion of operating hours up to 22x7x365. Prior to making a decision on a further expansion of operating hours, the Board would issue a new proposal and request comments in the **Federal Register**.

III. Assessment of the Planned Action

In 1984, the Board established criteria for the consideration of new or enhanced Federal Reserve payment services in its policy "The Federal Reserve in the Payments System."¹³ The policy incorporates the cost recovery requirements of the MCA and the MCA's objective of achieving an adequate level of service nationwide. In expressing the Board's overall expectations for the Federal Reserve's provision of payment services, the policy takes into account longstanding public policy objectives to promote the safety and efficiency of the payment system and to ensure the provision of payment services to banks nationwide on an equitable basis, and the importance of achieving these objectives in an atmosphere of competitive fairness.

Reflecting these expectations, the policy requires all of the following criteria to be met for a major service enhancement, such as the expansion of the operating hours of the Fedwire Funds Service and NSS to 22x6:

¹¹ As noted elsewhere in the notice, prior to making a decision on a further expansion of operating hours, the Board would issue a new proposal and request comments in the **Federal Register**, and nothing in this notice is binding upon the Board to take further steps.

¹² As discussed elsewhere in this notice, specifically section IV, participation in expanded hours is optional, and participants are not required by the Federal Reserve to align their business days with Fedwire Funds Service business days.

¹³ See The Federal Reserve in the Payments System (issued 1984; revised 1990 and 2001), Federal Reserve Regulatory Service 9-1558, https://www.federalreserve.gov/paymentsystems/pfs_frpayss.htm. As stated in the policy, the Board, in its sole discretion, determines when the process outlined in the policy is applicable and makes all decisions related to the process.

- The Federal Reserve must expect that its providing the service will yield a clear public benefit, including, for example, promoting the integrity of the payments system, improving the effectiveness of financial markets, reducing the risk associated with payments and securities-transfer services, or improving the efficiency of the payments system. (*Public Benefits Criterion*)

- The service should be one that other providers alone cannot be expected to provide with reasonable effectiveness, scope, and equity. (*Other Providers Criterion*)

- The Federal Reserve must expect to achieve full recovery of costs over the long run. (*Cost Recovery Criterion*)

The following sections provide the Board's assessment of the proposed action under these three criteria.

A. Public Benefit

The Board's *Public Benefits Criterion* requires that a major service enhancement yield long-term benefits to the public and the economy as a whole. Therefore, in determining whether the Federal Reserve should expand the operating hours of the Fedwire Funds Service and NSS to 22x6, the Board has considered the expected public benefits and potential offsetting costs of expanded operating hours.

1. Public Comments

As described above in section I.C, the benefits of expanded hours noted in the public comments generally align with the potential benefits outlined in the 2024 Notice. In summary, comments in support of the Board's proposal highlighted benefits such as enabling certain use cases (for example, cross-border U.S. dollar payments, corporate invoice payments, commercial loan payments, insurance, and real estate payments), supporting enhanced liquidity management for a range of participants in the payment system, supporting the role of the U.S. dollar as the preferred currency for global settlement, and investing in foundational infrastructure to support the future evolution of the payments system.

More specifically related to an expansion of hours for NSS, commenters noted that benefits would include the potential for additional settlement windows for private-sector arrangements that use NSS for final settlement of net payment obligations. Some commenters added that NSS also serves as a potential backup funding and settlement mechanism for critical arrangements that typically use the Fedwire Funds Service. Expanding NSS

operating hours in line with Fedwire Funds Service hours would preserve the contingency relationship between these two services.

Small institutions raised concerns about the costs and market pressures that could arise under the Board's original proposal for 22x7x365 operations. In particular, small institutions noted that they did not see significant customer demand for expanded hours, and that participation would bring significant costs and challenges related to staffing, operational, and system changes. Further, many small institutions expressed concern that participation would not be optional in practice due to market factors, even though the Federal Reserve itself would not require participation in expanded hours. Specifically, these commenters worried that competitive pressure from large banks that offer expanded wire services may force small banks to participate in expanded hours over time. Contributing to this sentiment, both small and large institutions expressed concern that expanded hours for NSS could lead to the introduction of new weekend settlement windows for ACH and check.

2. Board Analysis

After considering public comments on the proposal, the Board believes that an expansion of operating hours to 22x6 would provide clear public benefits. In particular, 22x6 operations will provide opportunities for more frequent settlement in central bank money that could enhance safety and efficiency in a range of payments, including cross-border U.S. dollar payments, large-value corporate payments, and funding payments for private-sector payment systems and market participants.

The Board believes that expanding the hours of the Fedwire Funds Service would support the role of the U.S. dollar as the preferred currency for global settlement by expanding the foundational infrastructure on which global U.S. dollar settlement relies. Such an investment would support U.S. competitiveness in cross-border payments networks, particularly as other countries and global payment systems are increasingly providing services for nearly round-the-clock large-value payments.

The Board also believes that expanding Fedwire Funds Service and NSS operating hours to 22x6 will support enhanced liquidity management for participants and private-sector payment systems, and indirectly for their customers, by allowing large-value cash obligations and exposures to be settled more quickly, reducing the need

for market participants to prefund transactions ahead of weekends and weekday holidays.

The Board further believes that the potential safety and efficiency benefits of 22x6 operations could enable enhanced and innovative services in the private sector over time. For example, private-sector payment systems and participants may leverage an enhanced foundation for large-value settlement to support expanded trading days or enhanced payment services, providing additional benefits to the broader economy.

The Board understands the concerns raised by small institutions regarding the costs and market pressures that could arise in an expanded operating hours environment. The Board's action in this notice to expand operating hours to 22x6 as an interim step is intended to reduce adjustment costs and challenges for participants relative to an expansion straight to 22x7x365, while still enabling substantial benefits. Further, the Board believes that the ability to opt out of expanded hours will reduce costs to participants that do not see a business case for participating, notwithstanding certain concerns raised by some commenters about optional participation that are addressed in more detail below.¹⁴

Regarding NSS expansion, while the Board agrees with the benefits noted by commenters, the Board also acknowledges the challenges raised by commenters with respect to NSS expansion enabling the possibility of weekend ACH and check settlement. The Board is clarifying that the Federal Reserve has no current plans to seek expanded processing hours for Federal Reserve ACH and check services. Regarding ACH, changes to processing days would be subject to the Nacha rulemaking process.¹⁵ Additionally, the Board would likely need to seek public comment before committing to any additional same-day or weekend ACH processing windows, which would have a significant longer-run effect on the payment system.¹⁶

¹⁴ Currently, the Reserve Banks do not require participants to be open to process transactions through the Fedwire Funds Service or NSS during all hours of the business day for the Fedwire Funds Service and NSS. As a result, some participants may opt out of participating in certain hours of the day (such as during overnight hours) by not being open to process transactions during those times. As further explained in section IV.C.1, the Reserve Banks will retain this optional participation model for expanded hours.

¹⁵ Nacha governs the automated clearinghouse network through its rules and standards. See About Us | Nacha—Administrator of the ACH Network, <https://www.nacha.org/content/about-us>.

¹⁶ See, e.g., Letter from Matthew Eichner, Dir., Bd. of Gov'rs of the Fed. Rsv. Sys., to Jane Larimer,

The Board also acknowledges public comments that expanded Fedwire Funds Service operating hours could blur the lines between the usage of the Fedwire Funds Service and the Federal Reserve's other RTGS service, the FedNow Service, which operates around the clock.¹⁷ The Board is clarifying that the benefits articulated in this notice for expanded Fedwire Funds Service hours are specific to the types of payments and markets that the Fedwire Funds Service is intended to support. While the Fedwire Funds Service and the FedNow Service both settle payments in real time, they serve different purposes. Among other things, the Fedwire Funds Service plays a critical role in the implementation of United States monetary policy, is used for time-critical and large-value payments in the financial markets, and supports the role of the U.S. dollar in global settlement. In contrast, the FedNow Service is designed to provide immediate funds availability for lower-value consumer and business transactions.¹⁸ The Board encourages banks to use the Fedwire Funds Service and FedNow Service according to the payment types and use cases that the services are intended to support.

B. Other Providers

Board policy requires that for a major service change, the service should be one that other providers alone cannot be expected to provide with reasonable effectiveness, scope, and equity. The measures of scope and equity reflect the Federal Reserve's objective of ensuring adequate provision of payment services nationwide on an equitable basis. The effectiveness measure addresses the extent to which other providers alone

can be expected to advance desirable outcomes in the U.S. payment system.

In considering public comments on the proposal and the Fedwire Funds Service's and NSS's roles in the payment system, the Board believes that other providers alone could not provide equivalent services to expanded hours for the Fedwire Funds Service and NSS as described in more detail below.

1. Public Comments

Many commenters that did not support the proposal, mostly consisting of individuals and small institutions, questioned the need for expanded hours for the Fedwire Funds Service and NSS when instant payment services already support 24x7x365 payments. However, several commenters from large institutions note that the Fedwire Funds Service and NSS serve certain use cases with respect to wholesale and cross-border payments that are not served by instant payment or other services. The previous section provides further detail on the differences between Fedwire Funds Service and instant payment services.

Many comments also noted that the Fedwire Funds Service and NSS serve important roles in providing final settlement in central bank money and in supporting the safe and efficient flow of liquidity throughout the payment system and broader economy.

The private-sector operator of large-value and instant payment services expressed support for expanding the operating hours of the Fedwire Funds Service, noting that the expansion would enable more efficient funding of the operator's instant payment service and could facilitate a potential future expansion of the operator's large-value payment service to weekends and holidays.

2. Board Analysis

In response to comments that existing instant payment systems negate the need for expanding Fedwire Funds Service operating hours in particular, the Board notes that the Fedwire Funds Service and NSS serve certain use cases with respect to wholesale and cross-border payments that are not served by instant payment or other services. Section III.A.2 provides further detail on the differences between Fedwire Funds Service and instant payment services.

With respect to effectiveness, as commenters noted, the Federal Reserve has a unique and critical role in providing foundational services that enable direct settlement of critical payment obligations in central bank money. Specifically, institutions of all sizes as well as other payment, clearing,

and settlement services rely on the Fedwire Funds Service as the backbone for final settlement and funding of critical payments in risk-free central bank money. Similarly, NSS provides a safe and efficient foundation for payment, clearing, and settlement arrangements to conduct multilateral settlement of critical large-value payments in central bank money. Financial markets build on the Fedwire Funds Service and NSS to provide safer, more efficient, innovative, and expanded services to end users throughout the economy.

Given these considerations, enhancements to the Fedwire Funds Service and NSS, such as expanded operating hours, support broader enhancements to safety, efficiency, and innovation in the payment system that other providers could not be expected to provide alone. For example, the Board notes that the private-sector large-value payment service relies on the Fedwire Funds Service for funding payments in central bank money to support its settlement process. For this reason and as noted in the private-sector operator's comment letter, the Board's proposal could facilitate a similar expansion in the operating hours of the private-sector large-value payment service. Ultimately, the Board believes there are no exact substitutes for Fedwire Funds Service's and NSS's roles in providing foundational infrastructure for the payment system and the economy.

In terms of scope and equity, today the Fedwire Funds Service and NSS are broadly accessible to eligible institutions across the country on equal terms, and the Federal Reserve would continue to offer participants broad access to the Fedwire Funds Service and NSS during expanded operating hours. Thus, the Federal Reserve could offer institutions similarly broad access to expanded operating hours.

C. Cost Recovery

Section 11A of the Federal Reserve Act, as added by the MCA, requires that fees for Federal Reserve Bank payment services be set in accordance with the principle that, over the long run, those fees recover the costs of providing the services.¹⁹ In addition, Board policy

Pres. and CEO, NACHA—The Electronics Payments Association, (Dec. 1, 2024), <https://www.federalreserve.gov/paymentsystems/files/board-staff-comment-letter-to-nacha-2024-12-13.pdf>, (noting that the Board would likely need to seek public comment before adding more same-day ACH processing windows).

¹⁷ The FedNow Service is the Federal Reserve's 24x7x365 real-time gross settlement service that supports instant payments in the United States. The service is intended for lower-value payments that are generally originated by consumers and businesses. "FedNow" is a service mark of the Federal Reserve Banks.

¹⁸ The FedNow Service has a \$1 million limit on the maximum transaction value of a payment. Effective November 2025, this transaction limit will be increased to \$10 million. The FedNow Service is designed to support end-to-end instant payments from a sender to a receiver by providing immediate funds availability for end users, such as consumers and businesses. Over time, it is expected that banks will increasingly provide their customers with new applications and other digital services for time-critical payments such as last-minute bill payments, daily payroll, real estate transactions, and emergency insurance payouts.

¹⁹ In particular, section 11A provides that, "[o]ver the long run, fees shall be established on the basis of all direct and indirect costs actually incurred in providing the Federal Reserve services priced, including interest on items credited prior to actual collection, overhead, and an allocation of imputed costs which takes into account the taxes that would have been paid and the return on capital that would have been provided had the services been furnished by a private business firm, except that the pricing principles shall give due regard to competitive

specifies that each major service category offered by the Federal Reserve must separately satisfy the cost recovery objective of the MCA: in the long run, aggregate revenues should match costs.²⁰ This section provides the Board's assessment of the proposal against these requirements, taking into account relevant public feedback on the proposal.

1. Public Comments

The Board notes that commenters did not provide specific views on cost recovery in response to the 2024 Notice. Instead, commenters' feedback was generally focused on their own expected costs, use cases, and demand for expanded hours as discussed in the summary of comments above. The Board has considered commenter feedback on expected demand and taken a conservative view of how expanded hours might affect the overall growth in Fedwire Funds Service and NSS payment volumes, which in turn affects how the Board anticipates the service will recover costs in the long run.

2. Board Analysis

The Board believes that the Reserve Banks would be able to achieve full recovery of costs over the long run associated with the proposed 22x6 expanded operating hours. The MCA does not specify the "long-run" period over which the Federal Reserve must recover service costs, nor does the legislative history indicate that Congress intended it to be a specific period. The Board has typically used a rolling ten-year period when assessing long-run recovery of existing services. Because the Fedwire Funds Service and NSS are mature services, the Board believes it is appropriate to evaluate cost recovery for expanding Fedwire Funds Service and NSS to 22x6 operating hours over a ten-year period.

Public comments that discussed the need for expanded hours to support cross-border activity, innovative use cases, and additional settlement opportunities for systemically important and large-value transactions support the Board's own assessment that, over time, expanding Fedwire Funds Service and NSS hours would generate increases in volume and revenue. The Board's cost recovery analysis also factors in the views of some commenters that expanded hours would likely shift existing volume to weekends and holidays rather than create demand for

new transactions. In addition, the Reserve Banks' cost recovery analysis factored in expected costs for system changes and additional staffing during the weekends. The Board continues to expect that these costs would be offset by increased Reserve Bank revenue, subject to various factors such as the competitive and/or economic environment in future years, new product enhancement opportunities, and potential Fedwire Funds Service and NSS pricing changes. In addition, Reserve Bank operational costs may be lower for expanded hours due to efficiency gains that could arise from leveraging operations and customer support staff that are already in place for the FedNow Service.

IV. Implementation Details and Considerations

The following section provides a general description of key implementation details and considerations related to the Board's announcement in this notice, including a general explanation of the Board's decision to implement 22x6 operating hours for the Fedwire Funds Service and NSS, details on the implementation timeline, the Board's views on potential future expansions beyond 22x6, plans for providing a participant directory to support 22x6 operations, fraud risk considerations, liquidity and credit risk considerations, and other factors related to implementation raised in the public comments.

A. Implementation of 22x6 operating hours in 2028–2029

After considering public comments on the proposal, the Board believes that 22x6 operating hours that include Sundays and weekday holidays will achieve a substantial amount of the benefits of 22x7x365 operating hours, while balancing the requests of many commenters for a phased or shorter expansion that maintains significant periods of downtime. The Board notes that initial demand for expanded operating hours for the Fedwire Funds Service, particularly with respect to cross-border payments, is most evident on Sundays and weekday holidays when international markets and other jurisdictions' large-value RTGS systems are operating. In addition, an expansion to Sundays and holidays could support more timely settlement of payments that currently accumulate around those down periods.

Currently, the Fedwire Funds Service is open from 9:00 p.m. ET of the preceding calendar day to 7:00 p.m. ET, five days per week, Monday through Friday excluding holidays observed by

the Reserve Banks, and NSS is open from 9:00 p.m. to 6:30 p.m. ET, five days per week, Monday through Friday excluding holidays observed by the Reserve Banks. The Board has decided to use the existing daily operating schedule for the Fedwire Funds Service and NSS in expanded hours. With respect to the Fedwire Funds Service, the Board believes that maintaining a 9:00 p.m. ET open on the preceding calendar day for Sundays and holidays would support potential demand for overnight cross-border and foreign exchange transactions just as the 9:00 p.m. ET open supports such transactions during current business days. The Board understands the requests of a few commenters for a later closing time to better accommodate the business day in western U.S. time zones. However, the Board believes that changing the closing at this time would be disruptive to end-of-day processes and other business conventions at participants and the Federal Reserve. Further, extending the closing time would require delaying the opening time, which could impede the international use cases of the Fedwire Funds Service. The Board notes that commenters that supported the proposal generally did not suggest changing the opening and closing times for the services.

The Board has decided not to expand hours to Saturdays at this time because of the heightened challenges of Saturday operations relative to the potential benefits. In particular, the Board understands that many participants and the Reserve Banks currently use Saturday for conducting system maintenance, testing, and upgrades, so maintaining downtime on Saturdays could help participants reduce operational and cyber risk as the market adapts to additional Fedwire Funds Service and NSS operating days.²¹ Further, some commenters noted—and the Board recognizes—that weekend downtime provides a helpful pause for financial market stakeholders during periods of market stress. The Board believes that maintaining downtime on Saturday would support stakeholders that have historically used this time to manage market stress events. This downtime may be beneficial for financial stability as stakeholders adapt

factors and the provision of an adequate level of such services nationwide." 12 U.S.C. 248a.

²⁰ The Federal Reserve in the Payments System, *supra* note 13.

²¹ The Board notes that, from time to time, Federal Reserve Financial Services (FRFS) announces extended weekend maintenance windows in advance. In 22x6 operations, FRFS will retain the ability to announce extended maintenance windows, which could extend beyond the 26 hours of regular downtime between Friday and Sunday operating days.

to financial activity increasingly occurring over more days.

As noted above, the Board plans to correspondingly expand the operating hours of NSS, with NSS closing 30 minutes earlier than the Fedwire Funds Service. The Board believes that expanded hours for NSS would complement expanded hours for the Fedwire Funds Service, providing eligible institutions and private-sector payment, clearing, and settlement services with wider opportunities for real-time gross and multilateral net settlement of large-value payments in central bank money, which would support greater safety, efficiency, and innovation in the payment system.²² Further, the Board agrees with commenters that expanded hours for NSS would support resiliency in the payment system because private-sector services are able to use NSS as a backup to the Fedwire Funds Service in contingency scenarios.

The Board recognizes that some commenters asked for NSS operating hours to not be expanded at this time primarily because of concerns about NSS enabling the possibility of new ACH and check settlement windows on weekends, which could bring significant challenges for some institutions. As discussed in detail in sections III.A.2 and IV.C.1, the Federal Reserve has no current plans to seek expanded processing hours for Federal Reserve ACH and check services. Further, the Board believes that these challenges raised by commenters warrant careful consideration through public consultation processes before any expansion of ACH or check settlement into the weekend or holidays.

As discussed above, the Federal Reserve intends to implement 22x6 operating hours for the Fedwire Funds Service and NSS between 2028 and 2029, with a specific time frame for launch to be determined based on participant readiness and outreach through established Reserve Bank communication channels, such as *FRBservices.org*. The Board believes that this time frame is consistent with requests from most commenters for a minimum two-year period to prepare for expanded hours following publication of this notice.

²² Expanding the operating hours of NSS is consistent with a goal of the Federal Reserve's 2015 paper "Strategies for Improving the U.S. Payment System," which noted that expanded hours for NSS could improve the settlement speed of and support innovation in private-sector arrangements.

B. Potential Future Expansions Beyond 22x6

Commenters that supported the proposal generally thought that the Board should expand operating hours to 22x7x365. The Board believes that an expansion first to 22x6 as an interim step would help the industry adjust to expanded operating days in the near term. At the same time, the Board agrees that expanding to 22x7x365 operations in the future could increase the benefits discussed in this notice. The Board will continue to monitor industry demand and will stand ready to offer an additional expansion up to 22x7x365 operations no sooner than two years after implementing 22x6 operations. Further, the Reserve Banks will continue to collect feedback from participants on their service needs through the Reserve Banks' regular participant engagement channels. The Board believes that the process of implementing 22x6 will provide stakeholders with the opportunity to develop a better understanding of the demand, benefits, costs, risks, and operational tradeoffs to further expansion of operating hours to 22x7x365. Given that these considerations related to 22x7x365 operations are likely to evolve as the industry prepares for or adapts to 22x6 operations, the Board would solicit comments through a **Federal Register** notice prior to further expansion of operating hours.

C. Other Operational Considerations for 22x6 Operations

1. Opt-In Model for the Fedwire Funds Service and NSS

A number of commenters provided feedback on the Board's proposal to maintain optional participation in the Fedwire Funds Service and NSS during expanded hours. While many commenters acknowledged that the Federal Reserve itself will not require banks to participate in expanded hours, many small bank commenters and related trade organizations expressed concern that small institutions may feel competitive pressure to participate if large institutions choose to offer payment services that leverage the Fedwire Funds Service during expanded hours. In addition, many commenters from a range of market segments expressed concern that private-sector arrangements that use NSS could expand processing days and settlement windows to the weekend and require their participants to participate under the terms of the arrangements. Finally, a few commenters noted that maintaining an opt-in model could, over

time, hinder sufficient adoption in expanded hours and the ability to achieve the benefits stated in the Board's proposal.

The Federal Reserve is committed to offering flexible, reliable, and secure payment processing and settlement, and the opt-in availability to participants remains a key component of the Fedwire Funds Service and NSS. As noted in the Board's 2024 Notice and in some public comments, the opt-in model would help participants avoid costs and challenges related to expanded hours if they do not see a sufficient benefit in using such hours—flexibility that participants use today if they do not see a need to participate in overnight operating hours.²³

Regarding NSS expansion, the availability of NSS on weekends and holidays could, in theory, enable private-sector ACH and check arrangements to add new settlement windows during these expanded hours, and potentially require their participants to participate. However, as stated above, the Board does not anticipate expanding check processing days and believes that expansion of the Federal Reserve's ACH processing windows would likely require public comment, through which the Board would consider the benefits and costs to institutions from expansion of such services.

2. Other Enhancements to the Fedwire Funds Service and NSS

About a fifth of commenters addressed the Board's question about whether other service enhancements would be beneficial in the context of expanded hours. Among these commenters, the most requested enhancement was for a participant directory that would identify which

²³ Even if a participant chooses not to operate during some or all of the Fedwire Funds Service or NSS hours, the Reserve Banks would continue to deliver Fedwire Funds Service payment orders or NSS transactions sent to the participant during those times and settle those transactions by crediting the participant's Reserve Bank settlement account, as they do today. For the Fedwire Funds Service, if a Sunday or holiday is not a funds-transfer business day for a participant, or the participant establishes cutoff times for the receipt of payment orders on those days, the participant would not be required to act on payment orders received on those days or after those cutoff times, respectively, until its next funds-transfer business day. For NSS, if a participant does not settle NSS transactions during part or all of a Sunday or holiday, it may be unable to send or receive transactions through the private-sector clearing arrangement during those times depending on the rules of the clearing arrangement. The Reserve Banks will retain this optional participation model for expanded hours. The 2024 Notice describes in greater detail the optional participation model and implications for participants. 89 FR 39613, 39618–19.

Fedwire Funds Service participants are active during expanded hours. These commenters noted that such a directory could support more efficient payment flows and help prevent trapped liquidity in the network of Fedwire Funds Service and NSS participants.

Given that a broad theme from public comments was that the Federal Reserve should take steps to support liquidity management in expanded hours, the Federal Reserve intends to consider developing a participant directory. The Reserve Banks will engage with participants to solicit feedback on whether and how to implement any directory.

3. Fraud Risk

Comments received in response to the 2024 Notice emphasized the heightened risk of fraud during expanded hours and noted the importance of fraud-monitoring staff and tools to aid in mitigating fraud risk. Some commenters noted that in the current operating environment, fraud risk is often greater during weekends and holidays, and that institutional risk controls will need to adjust to anticipate automated and staffing solutions during extended hours. The Board agrees that strong mechanisms are necessary to support the overall safety and efficiency of the nation's payment system. The Board is exploring ways the Federal Reserve could mitigate payments fraud within its specific authorities. The Board, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency published a Request for Information seeking input and engagement from a variety of stakeholders to identify and evaluate the range of potential actions they could consider, including in the Federal Reserve's role as a payments system operator.²⁴ The agencies are assessing comments in response to that Request for Information.

4. Liquidity and Credit

Comments in response to the 2024 Notice indicated concerns about adequate liquidity being available to support expanded operating hours on weekends and holidays. To support their current payment services, the Reserve Banks provide liquidity in the form of intraday credit, also known as daylight overdrafts, to eligible banks and subject to the Federal Reserve's Policy on Payment System Risk (PSR Policy).²⁵ Intraday credit supports the

smooth functioning of the payment system by supplying temporary liquidity to cover shortages that can result when the timing of payment inflows and outflows are not balanced.

The Federal Reserve intends to provide intraday credit for Fedwire Funds Service and NSS transactions during expanded hours under the same terms and conditions that the services receive during their current operating hours. As is the case today, participating banks would be expected to manage their master accounts in compliance with Federal Reserve policies, including avoiding overnight overdrafts.²⁶ These expectations would apply over weekends and holidays, given that the Fedwire Funds Service and NSS would operate 22x6.

Account balance management may become more complex in a 22x6 environment and require attention on Sundays and weekday holidays. Participating banks may need to adjust internal account monitoring practices to manage intraday liquidity. Liquidity management would be particularly important to avoid a negative balance at the close of the Fedwire Funds Service operating day. Specifically, banks would need to carefully monitor transactions in real time or ensure that sufficient funding is available in their master accounts to cover payments that may arise shortly before the service's closing.²⁷ A few commenters suggested that the Board treat all extensions of credit from Reserve Banks as intraday credit on weekends and holidays until the next weekday business day. A few commenters suggested that, because market funding sources may be limited during the proposed expanded hours, institutions should not be required to fund daylight overdrafts at close of business to prevent overnight overdrafts during expanded hours but rather they should be able to fund them on the next weekday business day. One commenter suggested a reduction in overnight overdraft penalties during expanded hours if the discount window is not available.

program for overnight lending to banks). See Board of Governors of the Federal Reserve System, "The Federal Reserve Policy on Payment System Risk," Part II, https://www.federalreserve.gov/paymentsystems/psr_about.htm.

²⁶ To minimize Reserve Bank exposure to overnight overdrafts, policy established by the Board discourages institutions from incurring overnight overdrafts by charging a penalty fee. See *id.*, Part III.

²⁷ The Reserve Bank's Account Management Information (AMI) service provides a near-real time view of account balances. Institutions could use AMI or other internal systems for monitoring account balances.

The 2024 Notice sought comment on the need for discount window operations to support expanded hours for the Fedwire Funds Service and NSS.²⁸ Commenters that directly addressed this question, including commenters from large banks, trade associations representing a range of bank sizes and capital markets participants, financial market utilities, and private-sector operators, recommended that the Federal Reserve extend discount window operations to include weekends and holidays. Several of these comments further indicated that the discount window's operating hours should be fully aligned with the Fedwire Funds Service and NSS hours to support liquidity management (that is, it should operate for 22 hours each day). Many commenters pointed to uncertainty over payments activity on weekend and holidays as likely to complicate firms' end-of-day liquidity management, and more than 10 comments reported that banks were likely to increase their liquidity positions heading into weekends and holidays to ensure sufficient liquidity to meet uncertain payment needs. A few commenters noted that expanded operating hours for the Fedwire Funds Service and NSS would raise the prospect of a bank experiencing potentially rapid deposit outflows on weekends or holidays. In this scenario, the discount window may mitigate risk of contagion to other institutions. Finally, some commenters that did not support the proposal, including some small institutions and trade organizations representing small institutions, nevertheless indicated that if the Board does decide to pursue expanded operating hours for the Fedwire Funds Service and NSS, then discount window operating hours should be expanded as well. Most commenters that did not support the proposal did not address the Board's question on the discount window.

About half of the comments that supported expanding discount window operations emphasized that private sources of overnight funding for banks were likely to be scarce or completely unavailable on weekends or holidays. Several noted that existing wholesale funding markets do not operate on weekends and holidays and are not likely to emerge, particularly with the

²⁸ The discount window is a Federal Reserve lending facility that helps to relieve liquidity strains for individual banks and for the banking system as a whole by providing a reliable backup source of funding. Additional information on the discount window is available at <https://www.federalreserve.gov/regreform/discount-window.htm>.

²⁴ 90 FR 26293 (June 20, 2025).

²⁵ Intraday credit is generally available to banks that are financially healthy and have regular access to the discount window (the Federal Reserve's

Federal Reserve not considering the expansion of the Fedwire Securities Service at this time.²⁹ Several of these commenters suggested that the Federal Reserve consider additional options to support banks' liquidity management on weekends and holidays, for example by operating the standing repurchase (repo) facility, or by opening both the Fedwire Securities Service and the Reserve Banks' collateral management system to allow banks to transfer securities collateral to the discount window.³⁰

The Board recognizes that depository institutions will need ready access to a range of robust liquidity sources as (i) the FedNow Service continues to mature and (ii) the operating days of the Fedwire Funds Service and NSS expand to include weekends and holidays. The Fedwire Funds Service and NSS have transaction limits of up to one penny less than \$10 billion per payment order and one penny less than \$10 trillion per settlement file, respectively. Given the potentially large size of these transactions, it is particularly important that adequate liquidity sources are available on days that the Fedwire Funds Service is operational. As a result and recognizing the comments received on this topic, the Federal Reserve is exploring expanding discount window operating days in connection with the expansion of the Fedwire Funds Service. As part of this exploration, the Federal Reserve plans to conduct additional outreach to stakeholders to ensure it fully understands the benefits and costs of expanded discount window operations for institutions of various sizes.

Regarding Federal Reserve credit, the Board notes that the Federal Reserve is not adjusting fees or the framework for the treatment of daylight and overnight overdrafts occurring on weekends and holidays. As a result, all daylight and overnight overdrafts will be treated consistently regardless of when these overdrafts occur.

5. Fedwire Securities Service

A small number of comments on the 2024 Notice asked for the operating hours of the Fedwire Securities Service to be extended alongside the hours of the Fedwire Funds Service and NSS, while other commenters agreed with the Board's reasons for excluding the

Fedwire Securities Service from its proposal. Commenters that requested Fedwire Securities Service operating hours be expanded cited several needs for the Fedwire Securities Service during weekends and holidays, including needs related to market liquidity, secured financing and repo markets, collateralization with respect to market exposures, and Federal Reserve credit and liquidity facilities. Some commenters that did not support expanded hours for the Fedwire Securities Service at this time thought it would be helpful for the Federal Reserve to conduct a feasibility study with the industry on the costs and benefits of a potential future expansion.

The Board is not considering expanding the operating hours for the Fedwire Securities Service at this time.³¹ The Board continues to believe that the expansion of Fedwire Funds Service and NSS operating hours will not create significant changes in secured lending, derivatives markets, or other market activity that would necessitate expanded operating hours for the Fedwire Securities Service in the near term. After considering public comments on the proposal, the Board also continues to believe that the aggregate value of transfers during current off-hours for the large-value payment services will likely be relatively low at the outset and thus unlikely to result in increased demand for securities transfers during those hours. The Board agrees with some commenters that, in the longer term, expanded hours for the Fedwire Funds Service and NSS could influence markets, which could in turn increase demand for the Fedwire Securities Service during current off-hours. The Board also acknowledges that, under the Board's current approach, participants will need to anticipate needs for and pledge securities in the Fedwire Securities Service in advance of weekends and weekday holidays. The Board will continue to monitor potential demand and seek feedback from institutions to determine whether to pursue a future expansion of Fedwire Securities Service operating hours.

6. Other Considerations

Commenters raised a number of considerations related to the implementation of expanded hours that

were not discussed in detail in the 2024 Notice. This section provides the Board's response to these additional topics.

At least one commenter suggested that the Federal Reserve implement and perform centralized screening to ensure compliance with Office of Foreign Asset Control (OFAC) requirements for Fedwire Funds Service customers to ease the burden on those that participate in expanded hours. While the Board understands that such a change would have certain benefits to participants, the Board does not believe it appropriate for Reserve Banks to conduct screening on behalf of financial institutions and notes such screening would not replace a financial institution's obligation to comply with OFAC requirements.

Several commenters asked whether the Board would amend the definitions of "banking day" and "business day" in Regulation CC if the Fedwire Funds Service expanded into the weekend and holidays. Some commenters also raised this as a consideration if ACH and check activities are expanded into the weekend or holidays. The Board notes that no amendments to Regulation CC are needed to facilitate the expanded hours because in-scope depository institutions are (i) deemed not to receive funds from wire transfers on weekends or holidays for Regulation CC purposes and (ii) not required to make funds from wire transfers available for withdrawal on weekends or holidays.³² Banks are similarly deemed not to receive ACH and check funds on the weekend or legal holidays under Regulation CC and not required to make funds available on those days.³³ Relatedly, a commenter also noted that private parties often rely on the Fedwire Funds Service operating day for contractual definitions,

³² Regulation CC implements the Expedited Funds Availability Act (EFAA) (12 U.S.C. 4001 *et seq.*) and the Check Clearing for the 21st Century Act (Check 21 Act) (12 U.S.C. 5001 *et seq.*). 12 CFR 229.1(a). Among other things, EFAA requires in-scope depository institutions to make funds from wire transfers available for withdrawal not later than the business day after the business day on which such funds are received for deposit. "Business day" in EFAA is defined not to include Saturdays, Sundays, or legal holidays. Any funds deposited with an institution on those days are deemed not to be deposited for EFAA purposes until the next business day, and banks are not required to make funds available on those days. Regulation CC aligns with EFAA, except that the time for making funds from wire transfers available under Regulation CC starts only on a "banking day" for the institution. "Banking day" is defined in Regulation CC as the part of any business day (defined as any weekday excluding specified holidays) on which an office of a bank is open to the public. Funds received on a day that is not a banking day for the depository institution are considered deposited on the next banking day. *Id.*, §§ 229.2(f), 229.10(b) & 229.19(a)(5).

³³ *Id.*, § 229.10(b) & (c).

²⁹ As explained in the 2024 Notice, the Board is not considering expanding Fedwire Securities Service operating hours at this time. 89 FR 39613, 39620 (May 9, 2024). The Board addresses public comments on this topic in Section IV.C.5 below.

³⁰ A few commenters expressed a desire for Federal Home Loan Banks (FHLBs) to operate on weekends and holidays to provide an alternative source of liquidity. FHLB operations are outside the scope of the 2024 Notice.

³¹ The Fedwire Securities Service is currently open for transfers between participants from 8:30 a.m. ET until 3:30 p.m. ET Monday through Friday, excluding holidays observed by the Reserve Banks. In addition, Fedwire Securities Service participants may reposition securities between their own securities accounts from 8:30 a.m. ET until 7:00 p.m. ET on those same weekdays.

including for defining the term business day. The Board believes that these parties will be able to adapt their contracts after the Fedwire Funds Service and NSS operating hours are expanded.

Several commenters asked about the potential regulatory impact of expanded hours, particularly with respect to liquidity regulations such as Regulation WW and Regulation YY.³⁴ The Board notes that its decision on expanded hours does not change the legal standards for liquidity risk management. Institutions remain responsible for ensuring that their liquidity risk management reflects their operational reality if they opt in to expanded hours. The Board's timeline for expanding operating hours is intended to provide institutions with time to evaluate and, if needed, adapt their organization to account for this and other considerations discussed in this notice.³⁵

Some commenters suggested that the Federal Reserve impose regulatory or contractual requirements on Fedwire Funds Service participants to report, share, investigate, and mitigate fraud. Others asked about potential changes to Fedwire Funds Service and National Settlement Service operational practices (for example, planned outages, cutoff times, or the closing time for the service's business day). As noted in section IV, the Board is assessing public comments following publication of a separate Request for Information related to fraud considerations. In addition, the Reserve Banks will continue to collect input and consider enhancements to address the needs of Fedwire Funds Service and NSS participants through the Reserve Banks' regular engagement with its participants.

V. Competitive Impact Analysis

Board policy requires that the Board conduct a competitive impact analysis when considering changes to a service. The policy requires the Board to first determine whether there will be a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing similar services

and then, if such an adverse effect is identified, to determine if that effect is due to differing legal powers or the Federal Reserve's dominant market position deriving from such legal differences. Next, if such legal differences exist, the proposed change would be further evaluated to assess its benefits and determine if the proposal could be modified.³⁶

The Board continues to believe that an expansion of Fedwire Funds Service and NSS operating hours would not have a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve. In particular, the Federal Reserve provides the only large-value payment services in the United States that allow settlement in central bank money.

While some commenters questioned the need for expanding Fedwire Funds Service and NSS operating hours given the availability of instant payment system (see section III.B), none of the commenters raised concerns about the effect expanding Fedwire Funds Service and NSS operating hours would have on other service providers' ability to compete effectively with the Federal

³⁶ See The Federal Reserve in the Payments System, *supra* note 13. The policy states, "The Board will also conduct a competitive impact analysis when considering an operational or legal change, such as a change to a price or service, or a change to Regulation J, if that change would have a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing similar services due to differing legal powers or constraints or due to a dominant market position of the Federal Reserve deriving from such legal differences. All operational or legal changes having a substantial effect on payments-system participants will be subject to a competitive-impact analysis, even if competitive effects are not apparent on the face of the proposal. In conducting the competitive-impact analysis, the Board would first determine whether the proposal has a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing similar services. Second, if such an adverse effect on the ability to compete is identified, the Board would then ascertain whether the adverse effect was due to legal differences or due to a dominant market position deriving from such legal differences. Third, if it is determined that legal differences or a dominant market position deriving from such legal differences exist, then the proposed change would be further evaluated to assess its benefits, such as contributing to payments-system efficiency or integrity or other Board objectives, and to determine whether the proposal's objectives could be reasonably achieved with a lesser or no adverse competitive impact. Fourth, the Board would then either modify the proposal to lessen or eliminate the adverse impact on competitors' ability to compete or determine that the payments-system objectives may not be reasonably achieved if the proposal were modified. If reasonable modifications would not mitigate the adverse effect, the Board would then determine whether the anticipated benefits were significant enough to proceed with the change even though it may adversely affect the ability of other service providers to compete with the Federal Reserve in that service."

Reserve. Where commenters raised competitive considerations, they were supportive of expanding the Fedwire Funds Service operating hours. The main private-sector provider of large-value payment services and the large majority of commenters from large banks, financial market utilities, and fintech companies offered comments on the 2024 Notice explaining that they would benefit from an expansion of Fedwire Funds Service operating hours. In particular, these organizations indicated that an expansion of Fedwire Funds Service operating hours would improve efficiency and reduce risk in conducting U.S. dollar payments and settlements and would support private-sector payments efforts in the United States. For instance, expanding Fedwire Funds Service operating hours could improve liquidity risk management for payment systems that rely on the Fedwire Funds Service for prefunding (for example, a private-sector instant payment service, a large-value payment service, and a foreign exchange settlement system). Accordingly, an expansion of Fedwire Funds Service and NSS operating hours is not expected to adversely impact any other service provider that competes with Federal Reserve payment services and could instead support their efficiency and resilience.

By order of the Board of Governors of the Federal Reserve System.

Benjamin W. McDonough,

Deputy Secretary of the Board.

[FR Doc. 2025-19942 Filed 11-14-25; 8:45 am]

BILLING CODE 6210-01-P

GULF COAST ECOSYSTEM RESTORATION COUNCIL

[Docket No.: 111132025-1111-02]

Notice of Proposed Subaward Under a Council-Selected Restoration Component Award

AGENCY: Gulf Coast Ecosystem Restoration Council.

ACTION: Notice.

SUMMARY: The Gulf Coast Ecosystem Restoration Council (Council) publishes notice of a proposed modification of the subaward from the Texas Commission on Environmental Quality to the Armand Bayou Nature Preserve, a non-government organization, for the purpose of land acquisition in accordance with the Council's Texas Land Acquisition Program for Coastal Conservation Award set forth in the Council's 2021 Funded Priorities List.

³⁴ A few commenters also raised questions about the impact of expanded hours on rules applicable to futures and securities, including the Board's Regulation T and the Security and Exchange Commission's Rule 15c3-3. Changes to rules applicable to futures and securities are outside the scope of this Federal Register notice. Nevertheless, the Board has not identified a reason that expanding the hours of the Fedwire Funds Service and NSS into the weekend would affect these rules.

³⁵ For example, institutions may need to factor expanded hours into their internal models for Regulation YY internal liquidity stress testing.

FOR FURTHER INFORMATION CONTACT:

Please send questions by email to Bridget Zachary by email bridget.zachary@restorethegulf.gov or call (504) 232-3750.

SUPPLEMENTARY INFORMATION: Section 1321(t)(2)(E)(ii)(III) of the *Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies Act of 2012* (33 U.S.C. 1321(t) and *note*) (RESTORE Act) and the Department of the Treasury's implementing regulation at 31 CFR 34.401(b) set forth certain notice and publication requirements. They require that for purposes of awards made under the Comprehensive Plan Component of the RESTORE Act, a State or Federal award recipient may make a subaward to or enter into a cooperative agreement with a nongovernmental entity that equals or exceeds 10 percent of the total amount of the award only if at least 30 days before the State or Federal award recipient enters into such an agreement, the Council publishes in the **Federal Register** and delivers to specified Congressional committees the name of the recipient and subrecipient; a brief description of the activity, including its purpose; and the amount of the award. This notice fulfills the **Federal Register** publication requirement.

Description of Proposed Action

As specified in the Council's 2021 Funded Priorities List, which is available on the Council's website at <https://www.restorethegulf.gov/our-work/fpl/fpl-3/>, RESTORE Act funds in the amount of \$24,300,000 will support the Texas Land Acquisition Program for Coastal Conservation Award to the Texas Commission on Environmental Quality. Under the Texas Land Acquisition Program for Coastal Conservation Award, Texas Commission on Environmental Quality will provide a subaward increase in the amount of \$1,500,000 to Armand Bayou Nature Center, a non-government organization, to acquire and preserve approximately 106 acres of habitat along Armand Bayou. This amount is added to the previous subaward of \$3,000,000 used for the purchase of 1,160 acres.

Keala J. Hughes,

Director of External Affairs & Tribal Relations, Gulf Coast Ecosystem Restoration Council.

[FR Doc. 2025-19981 Filed 11-14-25; 8:45 am]

BILLING CODE 6560-58-P

GULF COAST ECOSYSTEM RESTORATION COUNCIL

[Docket No.: 111132025-1111-03]

Senior Executive Service Performance Review Board Membership

AGENCY: Gulf Coast Ecosystem Restoration Council (GCERC).

ACTION: Notice of Performance Review Board (PRB) appointments.

SUMMARY: This notice announces the members of the Senior Executive Service (SES) Performance Review Board. The PRB is comprised of a chairperson and a mix of state representatives and career senior executives that meet annually to review and evaluate performance appraisal documents and provide a written recommendation to the Chairperson of the Council for final approval of each executive's performance rating, performance-based pay adjustment, and performance award.

DATES: The board membership is applicable beginning on 5/01/2025 and ending on 12/31/25.

FOR FURTHER INFORMATION CONTACT: Mary S. Walker, Executive Director, Gulf Coast Ecosystem Restoration Council, telephone 504-210-9982.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the persons named below have been selected to serve on the PRB:

Gulf Coast Ecosystem Restoration Council

Walker, Mary S., Executive Director, Mary.Walker@restorethegulf.gov, 504-210-9982

Department of Interior

Blanchard, Mary Josie, Deputy Director, Environmental Protection Compliance, MaryJosie_Blanchard@ios.doi.gov, 202-208-3406

State of Florida

Blalock, Adam, Deputy Secretary for Ecosystem Restoration, Adam.Blalock@floridadep.gov, 850-245-2118

State of Texas

Schar, Steven, Deputy Executive Director, Texas Commission on Environmental Quality, steven.schar@tceq.texas.gov, 512-239-3900

Environmental Protection Agency

Fotouhi, David, Deputy Administrator, EPA, Atkinson.Emily@epa.gov, 202-564-4700

Keala J. Hughes,

Director of External Affairs & Tribal Relations, Gulf Coast Ecosystem Restoration Council.

[FR Doc. 2025-19987 Filed 11-14-25; 8:45 am]

BILLING CODE 6560-58-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. FDA-2013-D-0446]

Expanded Access to Investigational Drugs for Treatment Use: Questions and Answers; 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 final guidance for industry entitled "Expanded Access to Investigational Drugs for Treatment Use: Questions and Answers." This guidance finalizes the revised draft guidance issued on November 2, 2022, and replaces the final guidance of the same title issued in June 2016 and updated in October 2017. The guidance addresses frequently asked questions, including those related to the implementation of FDA's regulations on expanded access to investigational drugs and other topics related to expanded access that are promulgated through the 21st Century Cures Act (Cures Act) and the FDA Reauthorization Act of 2017 (FDARA). Upon publication of this guidance, FDA is withdrawing the 1998 information sheet guidance, entitled "Emergency Use of an Investigational Drug or Biologic," for institutional review boards and clinical investigators because the information provided in the 1998 guidance is included in this final guidance.

DATES: The announcement of the guidance is published in the **Federal Register** on November 17, 2025.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the

instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2013-D-0446 for "Expanded Access to Investigational Drugs for Treatment Use: Questions and Answers." 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 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 guidance document.

FOR FURTHER INFORMATION CONTACT: Dorothy West, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 301-796-2500; or Phillip Kurs, Center for Biologics Evaluation and Research, Food and Drug Administration, 240-402-7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled "Expanded Access to Investigational Drugs for Treatment Use: Questions and Answers." Expanded access refers to the use of an investigational drug when the primary purpose is to diagnose, monitor, or treat a patient's disease or condition (see section 561(a) of the

Federal Food, Drug, and Cosmetic Act (FD&C Act); 21 CFR 312.300(a)), rather than to obtain the kind of information about the drug that is generally derived from clinical trials. FDA issued a final guidance for industry in 2016 in a question-and-answer format to respond to the most frequently asked questions on various provisions of the regulation regarding expanded access. The 2016 guidance was updated in 2017.

Since the issuance of the updated final guidance in 2017, the Cures Act (Pub. L. 114-255) added section 561A to the FD&C Act (21 U.S.C. 360bbb-0) to include new requirements regarding expanded access. Under section 561A of the FD&C Act, a manufacturer or distributor of one or more investigational drugs for the diagnosis, monitoring, or treatment of one or more serious diseases or conditions is required to make its policy for evaluating and responding to expanded access requests (expanded access policy) readily available to the public, such as by posting the policy on a publicly available website. In addition, FDARA (Pub. L. 115-52) amended the FD&C Act to require that the expanded access policy for an investigational drug be posted by the earlier of (1) the first initiation of a phase 2 or phase 3 study with respect to such investigational drug or (2) within 15 days after the drug receives a fast track, breakthrough, or regenerative advanced therapy designation.

FDA issued a revised draft guidance of the same title on November 2, 2022 (87 FR 66191), to respond to questions received from interested parties since issuance of the updated final guidance in 2017. This guidance finalizes the revised draft guidance issued in November 2022 and includes the Agency's recommendations related to new requirements of the Cures Act and FDARA that pertain to expanded access. FDA considered comments received on the revised draft guidance as this guidance was finalized. Changes from the draft to the final guidance include additional clarifications related to informed consent and the process for submission of expanded access requests. In addition, we made editorial changes to improve clarity. FDA considered the applicability of Executive Order 14192, per OMB guidance in M-25-20, and finds this action to be deregulatory in nature.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on "Expanded Access to Investigational Drugs for Treatment Use: Questions and Answers." It does

not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. 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 part 312 (21 CFR part 312) and Form FDA 1571 have been approved under OMB control number 0910–0014. The collections of information in §§ 312.300 through 312.320 and Form FDA 3926 have been approved under OMB control number 0910–0814. The collections of information in 21 CFR part 201 have been approved under OMB control number 0910–0342. The collections of information in 42 CFR part 11 have been approved under OMB control number 0925–0586. The collections of information in 21 CFR part 11 have been approved under OMB control number 0910–0303. The collections of information in 21 CFR parts 50 and 56 have been approved under OMB control number 0910–0130. The collections of information pertaining to expedited programs for serious conditions for drugs have been approved under OMB control number 0910–0765.

III. Electronic Access

Persons with access to the internet may obtain the guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances>, <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. 2025–19984 Filed 11–14–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–D–5107]

Menstrual Products—Performance Testing and Labeling Recommendations; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of the draft guidance entitled “Menstrual Products—Performance Testing and Labeling Recommendations.” This draft guidance document provides recommendations for performance testing, labeling, and information for inclusion in premarket notification (510(k)) submissions, when necessary, for certain menstrual products. The recommendations in this guidance apply to tampons, pads, and menstrual cups used to absorb or collect menstrual fluid or other vaginal discharge. The recommendations reflect updated review practices and are intended to promote consistency and transparency in product labeling and testing for manufacturers of these devices. This draft guidance is not final nor is it for implementation at this time.

DATES: Submit either electronic or written comments on the draft guidance by January 16, 2026 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that

identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–2025–D–5107 for “Menstrual Products—Performance Testing and Labeling Recommendations.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting

of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled “Menstrual Products—Performance Testing and Labeling Recommendations” to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5441, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Erica Takai, Center for Devices and Radiological Health, Food and Drug Administration, 301–796–6353.

SUPPLEMENTARY INFORMATION:

I. Background

In appropriations reports from the House Appropriations Committee in the

fiscal years 2022 and 2023, the Committee requested that FDA update its guidance on menstrual tampons and pads, “Menstrual Tampons and Pads: Information for Premarket Notification Submissions (510(k)s),” issued on July 27, 2005. This draft guidance, which when final will supersede, “Menstrual Tampons and Pads: Information for Premarket Notification Submissions (510(k)s),” includes information requested by the Committee in the appropriations reports and provides additional detail and clarifications to existing recommendations. Specifically, the draft guidance includes recommendations for menstrual cups, disclosing ingredients (including fragrances/deodorants) on all menstrual product outer package labels, evaluating contaminants for all menstrual products, test methods that can be used for evaluating tampons for Toxic Shock Syndrome risk and effect on vaginal microflora, and clarification of test methods for non-clinical bench testing of tampons.¹

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 Menstrual Products—Performance Testing and Labeling Recommendations and will supersede “Menstrual Tampons and Pads: Information for Premarket Notification Submissions (510(k)s),” issued on July 27, 2005. 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. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at <https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products>. This guidance document is also available at <https://www.regulations.gov>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>. Persons unable to download an electronic copy of “Menstrual Products—Performance Testing and Labeling Recommendations” may send an email request to CDRH-Guidance@fda.hhs.gov to receive an electronic copy of the document. Please use the document number GUI00000166 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

While this guidance contains no new collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in the following table have been approved by OMB:

21 CFR part; guidance; or FDA form	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120
812	Investigational Device Exemption	0910–0078
“Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program”.	Q-submissions and Early Payor Feedback Request Programs for Medical Devices.	0910–0756
800, 801, 809, and 830	Medical Device Labeling Regulations; Unique Device Identification.	0910–0485
820	Current Good Manufacturing Practice (CGMP); Quality System (QS) Regulation.	0910–0073
50, 56	Protection of Human Subjects and Institutional Review Boards	0910–0130

¹ FDA supports the principles of the “3Rs” to replace, reduce, and/or refine animal use in testing, when feasible. We encourage manufacturers to

consult with FDA if they wish to use a non-animal testing method that they believe is suitable, adequate, validated, and feasible. We will consider

if a proposed alternative method could be assessed for equivalency to an animal test method.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation,
and International Affairs.

[FR Doc. 2025–19948 Filed 11–14–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–0108]

Considerations for Waiver Requests for pH Adjusters in Generic Drug Products Intended for Parenteral, Ophthalmic, or Otic Use; 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 final guidance for industry entitled “Considerations for Waiver Requests for pH Adjusters in Generic Drug Products Intended for Parenteral, Ophthalmic, or Otic Use.” This guidance is intended to assist abbreviated new drug application (ANDA) applicants that reference a drug product intended for parenteral, ophthalmic, or otic use in seeking approval of a drug that is qualitatively (Q1) different or quantitatively (Q2) different from the reference listed drug (RLD) with respect to the pH adjuster(s). This guidance describes how FDA intends to evaluate a request for a waiver of Agency requirements for a Q1 or Q2 difference in pH adjuster, including recommendations on the type of information to provide in support of such a waiver request. This guidance finalizes the draft guidance of the same title issued on April 14, 2022.

DATES: The announcement of the guidance is published in the **Federal Register** on November 17, 2025.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any

confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–2022–D–0108 for “Considerations for Waiver Requests for pH Adjusters in Generic Drug Products Intended for Parenteral, Ophthalmic, or Otic Use.” 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 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 guidance document.

FOR FURTHER INFORMATION CONTACT:

Susan Levine, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1674, Silver Spring, MD 20993–0002, 240–402–7936, susan.levine@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled “Considerations for Waiver Requests for pH Adjusters in Generic Drug Products Intended for Parenteral, Ophthalmic, or Otic Use.” The Federal Food, Drug, and Cosmetic Act (FD&C Act) does not require an ANDA to have the same inactive ingredients as the RLD.¹ Section 505(j)(4)(H) of the FD&C Act does, however, state that an ANDA shall not be approved if information submitted in the application (or other information available) shows (1) the inactive ingredients of the drug are

¹ See section 505(j)(2)(A) of the FD&C Act (setting forth the required contents of an ANDA).

unsafe for use under the conditions prescribed, recommended, or suggested in the labeling proposed for the drug, or (2) the type or quantity of inactive ingredients included or the manner in which the inactive ingredients are included is unsafe under such conditions.²

The regulations at 21 CFR 314.94(a)(9)(iii) and (iv), with parallel provisions in the approval regulations at § 314.127(a)(8)(ii)(B) and (C), specify that FDA will consider an inactive ingredient in, or the composition of, a generic drug product intended for parenteral, ophthalmic, or otic use to be unsafe and will refuse to approve the ANDA unless the generic drug product contains the same inactive ingredients (with certain listed exceptions) in the same concentration as the RLD. Specifically, the inactive ingredient requirements in § 314.94(a)(9)(iii) and (iv) apply to pH adjusters, which are not expressly identified as one of the listed exceptions. Under § 314.99(b), however, an applicant may ask FDA to waive any requirement that applies to the applicant under §§ 314.92 through 314.99. Thus, an ANDA applicant for a drug product intended for parenteral, ophthalmic, or otic use who seeks to use a pH adjuster(s) that is Q1 or Q2 different from the RLD may ask the Agency to waive the inactive ingredient requirements at § 314.94(a)(9)(iii) or (iv) for the pH adjuster(s). This guidance document provides recommendations on (1) the type of information that applicants should consider submitting with a § 314.99(b) waiver request when an ANDA applicant asks the Agency to waive the inactive ingredient requirements for pH adjusters and (2) the format and process for submitting such waiver requests.

This guidance finalizes the draft guidance entitled “Considerations for Waiver Requests for pH Adjusters in Generic Drug Products Intended for Parenteral, Ophthalmic, or Otic Use” issued on April 14, 2022 (87 FR 22217). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to the final guidance include recommendations for ANDA applicants to seek FDA feedback on a proposed approach for justifying a § 314.99(b) waiver request for a difference in pH adjuster, as well as in instances where the applicant also seeks to utilize a certain bioequivalence approach with a formulation that contains a Q1 or Q2 difference in pH adjuster.

In addition, this guidance includes information clarifying FDA’s obligations

to maintain the confidentiality of trade secret and confidential commercial information when responding to questions regarding drug product formulations, and to distinguish the regulatory provisions for requesting waiver of a Q1 or Q2 difference in a pH adjuster from the provisions that support a request to waive submission of evidence of in vivo bioequivalence.

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on “Considerations for Waiver Requests for pH Adjusters in Generic Drug Products Intended for Parenteral, Ophthalmic, or Otic Use.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. 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 314 relating to the submission of ANDAs, including requests for waiver for a pH adjuster difference under § 314.99(b) and waivers under § 314.90, have been approved under OMB control number 0910–0001. The collections of information in 21 CFR part 320 relating to the requirements for demonstrating bioavailability and bioequivalence, including waiver of evidence of in vivo bioavailability or bioequivalence under § 320.22(b), have been approved under OMB control numbers 0910–0014 and 0910–0291. The collections of information relating to the submission of controlled correspondence related to generic drug development and FDA approval have been approved under OMB control number 0910–0727.

III. Electronic Access

Persons with access to the internet may obtain the guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/regulatory-information/search-fda->

[guidance-documents](https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidance-documents), or <https://www.regulations.gov>.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–19990 Filed 11–14–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–D–4051]

Quality Management System Information for Certain Premarket Submission Reviews; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of the draft guidance entitled “Quality Management System Information for Certain Premarket Submission Reviews.” The medical device current good manufacturing practice (CGMP) requirements, previously in the quality system regulation (QS regulation) and now the quality management system regulation (QMSR), have been amended effective February 2, 2026, to align more closely with the international consensus standard for devices by incorporating by reference an international standard specific for device quality management systems. This draft guidance document is intended to assist FDA staff and medical device manufacturers in understanding FDA expectations about preparing and maintaining a Quality Management System (QMS) and providing the information required to be included in certain marketing submissions regarding a QMS, in line with the QMSR. This draft guidance is not final nor is it for implementation at this time.

DATES: Submit either electronic or written comments on the draft guidance by January 16, 2026 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the

² Section 505(j)(4)(H) of the FD&C Act.

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-4051 for "Quality Management System Information for Certain Premarket Submission Reviews." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The

second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled "Quality Management System Information for Certain Premarket Submission Reviews" to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5441, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Erica Takai, Center for Devices and Radiological Health, Food and Drug Administration, 301-796-6353; or Phillip Kurs, Center for Biologics Evaluation and Research, Food and Drug Administration, 240-402-7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is issuing this draft document to provide guidance to industry and FDA staff about the expectations related to QMSR requirements and certain

marketing submissions once the final rule amending 21 CFR part 820 goes into effect on February 2, 2026. The medical device CGMP requirements, formerly in the QS regulation and now in the QMSR, have been amended to align more closely with the international consensus standard for devices by incorporating by reference an international standard specific for device quality management systems (ISO 13485:2016). When final, this guidance is intended to assist medical device manufacturers in understanding FDA expectations about preparing and maintaining a QMS and providing the information required to be included in certain marketing submissions regarding a QMS, in line with the QMSR. In addition, this draft guidance is intended to make recommendations regarding information included in these marketing submissions that may help FDA determine compliance with QMSR.

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 Quality Management System Information for Certain Premarket Submission Reviews. 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. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at <https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products>. This guidance document is also available at <https://www.regulations.gov>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents> or <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics>. Persons unable to download an electronic copy of "Quality Management System Information for Certain Premarket Submission Reviews" may send an email request to CDRH-Guidance@fda.hhs.gov to receive an electronic copy of the document. Please

use the document number GUI00001140 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995
While this guidance contains no new collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in the following table have been approved by OMB:

21 CFR part; guidance; or FDA form	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120
814, subparts A through E	Premarket approval	0910–0231
814, subpart H	Humanitarian Use Devices; Humanitarian Device Exemption ..	0910–0332
812	Investigational Device Exemptions	0910–0078
860, subpart D	De Novo classification process	0910–0844
“Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program”.	Q-submissions and Early Payor Feedback Request Programs for Medical Devices.	0910–0756
810	Recalls	0910–0432
806	Medical Devices; Reports of Corrections and Removals	0910–0359
820	Current Good Manufacturing Practice (CGMP); Quality System (QS) Regulation.	0910–0073

Grace R. Graham,
Deputy Commissioner for Policy, Legislation, and International Affairs.
[FR Doc. 2025–19947 Filed 11–14–25; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY
Agreement Between the Government of the United States of America and the Government of the Republic of Ecuador Relating to the Transfer of Third-Country Nationals to Ecuador
AGENCY: Department of Homeland Security.
ACTION: Notice of Agreement.
SUMMARY: The Department of Homeland Security is publishing the Agreement

between the Government of the United States of America and the Government of the Republic of Ecuador relating to the transfer of third-country nationals to Ecuador, effected by exchange of diplomatic notes on July 16, 2025 and July 23, 2025. The text of the diplomatic notes is set out below.
(Authority: 8 U.S.C. 1158(a)(2)(A).)
Joseph N. Mazzara,
Acting General Counsel, U.S. Department of Homeland Security.
BILLING CODE 9110–9M–P

No. POL 520/2025

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Human Mobility of the Republic of Ecuador. The Embassy, on behalf of the Government of the United States of America, has the honor to propose the following Agreement between the Government of the United States of America and the Government of the Republic of Ecuador (hereinafter referred to individually as a "Party" and collectively as the "Parties").

Under this Agreement, the Parties seek to ensure the dignified, safe, and timely transfer from the United States to Ecuador of third-country nationals present in the United States who may seek international protection against return to their home country or country of former habitual residence. The Government of the United States of

DIPLOMATIC NOTE

America shall in its complete discretion propose to the Government of the Republic of Ecuador the transfer of such third-country nationals, and the Government of the Republic of Ecuador shall in its complete discretion consider accepting such a proposal in whole or in part. Both Parties' actions under this Agreement shall be in accordance with their obligations under the 1951 Convention Relating to the Status of Refugees, done at Geneva on July 28, 1951; the Protocol Relating to the Status of Refugees, done at New York on January 31, 1967; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on December 10, 1984; and any other respective international obligations, national constitutions, laws, regulations, and immigration and visa policies of the Parties, including consideration by the Government of the Republic of Ecuador of requests by these third-country nationals for asylum, refugee protection, or equivalent temporary protection.

The Government of the Republic of Ecuador agrees not to return any person transferred to Ecuador by the Government of the United States of America to their home country or country of former habitual residence until a final decision has been made regarding any pending protection claims. The Government of the Republic of Ecuador shall determine a procedure, consistent with its relevant obligations, to resolve the status of those who may abandon pending international protection claims or fail to seek protection from the Government of Ecuador. The Government of the United States of America shall not transfer unaccompanied minors pursuant to this Agreement.

The Parties shall develop operating procedures to assist with the implementation of this Agreement through a subsequent instrument, including, among others, clear criteria to determine eligibility for transfer to the Republic of Ecuador, as well as any necessary bilateral assistance to implement this Agreement.

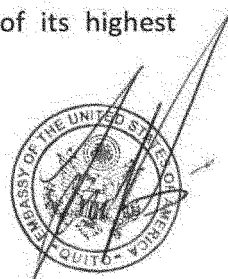
In the event of a conflict of interpretation or implementation, the Parties commit to resolve such matters through dialogue or diplomatic channels.

Either Party may terminate or suspend this Agreement at any time by notifying the other Party in writing. The Parties may agree in writing to any amendments to this Agreement, and such amendments shall constitute an integral part of this Agreement, consistent with any applicable legal requirements. Nothing set forth in this Agreement shall be interpreted in such a way that commits the disbursement or allocation of funds by the Parties. The implementation of this Agreement shall be subject to the availability of funds and technical capacity of each Party.

If this proposal is acceptable to the Government of the Republic of Ecuador, the Government of the United States of America has the honor to propose that this note, along with the affirmative reply from

the Government of the Republic of Ecuador, shall form an Agreement between the two governments, which shall enter into force upon the date of the Government of the Republic of Ecuador's reply note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Human Mobility of the Republic of Ecuador the assurances of its highest consideration.



Embassy of the United States of America,

Quito, July 16, 2025.

U.S. Department of State
Office of Language Services
Translating Division



LS No. 2025-0128065
Spanish/English
BBM/AFV

Translation|

[Coat of Arms]

**Republic of Ecuador
Ministry of Foreign Affairs and Human Mobility**

Note No. MREMH/MREMH/2025/0077/NV

The Ministry of Foreign Affairs and Human Mobility presents its compliments to the Embassy of the United States of America and has the honor to refer to Embassy note No. POL 520/2025, of July 16, 2025, which reads as follows:

Quote:

No. POL 520/2025

The Embassy, on behalf of the Government of the United States of America, has the honor to propose the following Agreement between the Government of the United States of America and the Government of the Republic of Ecuador (hereinafter referred to individually as a "Party" and collectively as the "Parties").

Embassy of the United States of America,
Quito.

-2-

Under this Agreement, the Parties seek to ensure the dignified, safe, and timely transfer from the United States to Ecuador to third-country nationals present in the United States who may seek international protection against return to their home country or country of former habitual residence. The Government of the United States of America shall in its complete discretion propose to the Government of the Republic of Ecuador the transfer of such third-country nationals, and the Government of the Republic of Ecuador shall in its complete discretion consider accepting such a proposal in whole or in part. Both Parties' actions under this Agreement shall be in accordance with their obligations under the 1951 Convention Relating to the Status of Refugees, done at Geneva only July 28, 1951; the Protocol Relating to the Status of Refugees, done at New York on January 31, 1967; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on December 10, 1984; and any other respective international obligations, national constitutions, laws, regulations, and immigration and visa policies of the Parties, including consideration by the Government of the Republic of Ecuador of requests by these third-country nationals for asylum, refugee protection, or equivalent temporary protection.

-3-

The Government of the Republic of Ecuador agrees not to return any person transferred to Ecuador by the Government of the United States of America to their home country or country of former habitual residence until a final decision has been made regarding any pending protection claims. The Government of the Republic of Ecuador shall determine a procedure, consistent with its relevant obligations, to resolve the status of those who may abandon pending international protection claims or fail to seek protection from the Government of Ecuador. The Government of the United States of America shall not transfer unaccompanied minors pursuant to this Agreement.

The Parties shall develop operating procedures to assist with the implementation of this Agreement through a subsequent instrument, including, among others, clear criteria to determine eligibility for transfer to the Republic of Ecuador, as well as any necessary bilateral assistance to implement this Agreement.

In the event of a conflict of interpretation or implementation, the Parties commit to resolve such matters through dialogue or diplomatic channels.

Either Party may terminate or suspend this Agreement at any time by notifying the other Party in writing. The Parties may agree in writing to any amendments to this Agreement, and such amendments shall constitute an



integral part of this Agreement, consistent with any applicable legal requirements. Nothing set forth in this Agreement shall be interpreted in such a way that commits the disbursement or allocation of funds by the Parties. The implementation of this Agreement shall be subject to the availability of funds and technical capacity of each Party.

If this proposal is acceptable to the Government of the Republic of Ecuador, the Government of the United States of America has the honor to propose that this note, along with the affirmative reply from the Government of the Republic of Ecuador, shall form an Agreement between the two governments, which shall enter into force upon the date of the Government of the Republic of Ecuador's reply note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Human Mobility of the Republic of Ecuador the assurances of its highest consideration.

Embassy of the United States of America,
Quito, July 16, 2025

Unquote.

In this regard, the Ministry of Foreign Affairs and Human Mobility, on behalf of the Government of the Republic of Ecuador states its agreement with the above proposal, which, along with this note in reply shall constitute an

-5-

agreement between both Governments which shall enter into force on the date of this note.

The Ministry of Foreign Affairs and Human Mobility avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest and most distinguished consideration.

Quito, July 23, 2025

[Initialed]

[Ministry stamp]

[FR Doc. 2025–19939 Filed 11–14–25; 8:45 am]

BILLING CODE 9110–9M–C

DEPARTMENT OF THE INTERIOR

National Park Service

[N6559; NPS–WASO–NAGPRA–
NPS0041182; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation, Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) has completed an inventory of human remains and associated funerary objects from Davidson County, Tennessee and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after December 17, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and

associated funerary objects in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email Phil.Hodge@tn.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC–DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 238 individuals have been identified. The 449 associated funerary objects include 193 artifacts and two hundred and 256 lots of artifacts described below.

Unknown Site, Davidson County, TN

Human Remains representing, at least, 35 individuals. Remains of at least 16 individuals contain no record of timing of acquisition. Remains of at least four individuals were transferred to TDEC–DOA by the Davidson County Medical Examiner. Remains of at least three individuals were donated to TDEC–DOA by the Tennessee State Museum in 1995. Remains of at least 12 individuals

were donated to TDEC–DOA by private citizens in 1989, 1991, 2008, 2020, and 2024. There is no known exposure to hazardous substances or treatments.

Site 40DV2, Davidson County, TN

Human remains representing, at least, one individual. These remains were encountered during construction and collected by the Davidson County Medical Examiner. They were transferred to TDEC–DOA in 2010. There is no known exposure to hazardous substances or treatments.

Site 40DV3, Davidson County, TN

Human remains representing, at least, 27 individuals and nine associated funerary objects consisting of one ceramic effigy vessel, six ceramic sherds, one lot of unsorted artifacts, and one lot of freshwater shell. Remains of at least 15 individuals and one lot of AFOs were excavated by TDEC–DOA staff in 1973 prior to construction of Interstate 440; Remains of at least three individuals were donated to TDEC–DOA by the Davidson County Medical Examiner in 1998, with no additional information available regarding the circumstances of collection; Remains of at least four individuals, one effigy vessel, six ceramic sherds, and one lot of AFOs were donated to TDEC–DOA by private citizens in 1971, 2005, 2007, and 2014 with no additional information available regarding the circumstances of collection. Remains of at least four individuals were donated to TDEC–

DOA with no additional information available regarding the timing or circumstances of collection; Remains of at least one individual were removed under a Chancery court order in 2016 and donated to TDEC–DOA for repatriation. There is no known exposure to hazardous substances or treatments.

Site 40DV5, Davidson County, TN

Human remains representing, at least, one individual and four associated funerary objects consisting of one ceramic bowl; one effigy ceramic bowl; one shell spoon; and one lot of marine shell beads. This site was excavated in 1991 and 1992 by private consultants prior to a TDOT bridge replacement. Ancestral remains were subsequently reburied by the consultant under Tennessee cemetery law. These materials were curated with TDEC–DOA beginning in 1992. There is no known exposure to hazardous substances or treatments.

Site 40DV6, Davidson County, TN

Human remains representing, at least, 103 individuals and 367 associated funerary objects consisting of one carved deer phalanx; two partial unreconstructed ceramic vessels; nine shell tempered ceramic vessels; six ceramic effigy vessels; 110 marine shell beads; two freshwater bivalve spoons; one unmodified freshwater bivalve shell; one groundstone tool; one soil covered rock; seven soil samples; and 227 lots of associated funerary artifacts. All NAGPRA materials from site 40DV6 (Gordontown site) were recovered by TDEC–DOA staff in 1986 during salvage excavations ahead of subdivision construction. There is no known exposure to hazardous substances or treatments.

Site 40DV7, Davidson County, TN

Human remains representing, at least, two individuals. Remains of at least one individual were collected by a private individual from the shoreline of the Cumberland River and donated to TDEC–DOA in 2024; Remains of at least one individual were recovered by TDEC–DOA staff during construction monitoring in 2011. There is no known exposure to hazardous substances or treatments.

Site 40DV8, Davidson County, TN

Human remains representing, at least, 13 individuals and one associated funerary object consisting of one shell tempered ceramic bowl. Remains of at least 11 individuals and one ceramic bowl were donated to the TDOA by private individuals in 2005 and 2007

with no additional information available regarding the circumstances of collection; Remains of at least one individual were donated to TDEC–DOA with no additional information available regarding the timing or circumstances of collection; Remains of at least one individual were recovered by TDEC–DOA staff in 1990 from stone box graves disturbed during residential water line construction. There is no known exposure to hazardous substances or treatments.

Site 40DV11, Davidson County, TN

Human remains representing, at least, 10 individuals and 16 associated funerary objects consisting of two fragmentary remains of shell tempered ceramic bowls; two freshwater shell spoons; one hooded ceramic effigy bottle; one partially reconstructed ceramic vessel; one short necked ceramic vessel; one ceramic bivalve effigy vessel; one ceramic bowl; one ceramic “rim rider” effigy bowl; one partially reconstructed ceramic vessel from burial floor; and five lots of associated funerary artifacts. Remains of at least two individuals and two partial ceramic bowls were disturbed by earthmoving in 1977 and donated to TDEC–DOA; Remains of at least two individuals were excavated by private consultant and donated to TDEC–DOA in 1980; Remains of at least one individual, 14 AFOs were recovered by a private consultant and donated to TDEC–DOA in 1995; Remains of at least four individuals were excavated by a private individual, seized by law enforcement in Macon County, Tennessee, and transferred to TDEC–DOA in 2005; Remains of at least one individual were recovered in July 1977 and donated to the Cumberland Science Museum, and transferred to TDEC–DOA in 1989. There is no known exposure to hazardous substances or treatments.

Site 40DV12, Davidson County, TN

Human remains representing, at least, eight individuals and one associated funerary object consisting of one shell fragment (which is currently missing). These remains were donated to TDEC–DOA 1991. No record exists as to the donor or original circumstances of collection. There is no known exposure to hazardous substances or treatments.

Site 40DV14, Davidson County, TN

Human remains representing, at least, four individuals. At least one individual was donated TDEC–DOA by the Davidson County Medical Examiner with no information as to the circumstances surrounding collection; At least one individual was collected

from an eroded river bank in 1973 and donated to TDEC–DOA in 1977. At least one individual was donated to the TDEC–DOA in 1987 with no record as to the donor, or original circumstances of collection. No information is available regarding the collection or donation of at least one individual. There is no known exposure to hazardous substances or treatments.

Site 40DV15, Davidson County, TN

Human remains representing, at least, three individuals and 18 associated funerary objects consisting of four shell tempered ceramic sherds; two duck effigy ceramic bowls; one frog effigy vessel; one human effigy bowl; one hunch-back hooded effigy bottle; one ceramic bowl; one fire cracked rock; two lithic flakes; one carbon sample; one partial freshwater bivalve; and three wood charcoal fragments. This site was excavated by members of the Southeastern Indians Antiquity Survey in 1966 and 1977 prior to destruction by neighborhood development. The materials were donated to TDEC–DOA in 1986. There is no known exposure to hazardous substances or treatments.

Site 40DV33, Davidson County, TN

Human remains representing, at least, one individual. These remains excavated by a private individual in the 1970s and transferred to TDEC–DOA in 2007. There is no known exposure to hazardous substances or treatments.

Site 40DV39, Davidson County, TN

Human remains representing, at least, three individuals and one associated funerary object consisting of one stone discoidal. At least one individual was donated to TDEC–DOA between 1969 and 1987 with no specific information regarding recovery. At least one individual was donated to TDEC–DOA in 1990 with no specific information regarding recovery. The one stone discoidal was recovered by TDEC–DOA staff in 1984. At least one individual was recovered by TDEC–DOA staff between 1969 and 1987. There is no known exposure to hazardous substances or treatments.

Site 40DV58, Davidson County, TN

Human remains representing, at least, two individuals. Remains of at least one individual were donated to TDEC–DOA by a private individual in 2020 with no information as to the circumstances surrounding their collection; no information exists regarding the acquisition of at least one individual. There is no known exposure to hazardous substances or treatments.

Site 40DV60, Davidson County, TN

Human remains representing, at least, one individual. These remains were excavated by a private individual and transferred to TDEC–DOA in 2007. There is no known exposure to hazardous substances or treatments.

Site 40DV83, Davidson County, TN

Human remains representing, at least, one ancestral individual, and 18 associated funerary objects consisting of one dog burial and 17 lots of artifacts from burial feature fill. Ancestral remains from site 40DV83 were removed by TDEC–DOA staff under a Chancery Court order in 1987 ahead of construction. All remains were believed reinterred under Tennessee cemetery law in July 1993. There is no known exposure to hazardous substances or treatments.

Site 40DV131, Davidson County, TN

Human remains representing, at least, one individual. These materials were donated to the Division of Archaeology. No record exists as to the timing, donor, or original circumstances of collection. There is no known exposure to hazardous substances or treatments.

Site 40DV148, Davidson County, TN

Human remains representing, at least, one individual. No record exists as to the timing, donor, or original circumstances of collection. There is no known exposure to hazardous substances or treatments.

Site 40DV152, Davidson County, TN

Human remains representing, at least, two individuals. These remains were removed from the site by a private consultant in 1997 under the terms of a Davidson County Chancery Court order, and transferred to TDEC–DOA in 1997 at the request of the Tennessee Commission of Indian Affairs. There is no known exposure to hazardous substances or treatments.

Site 40DV160, Davidson County, TN

Human remains representing, at least, three individuals. Remains of at least two individuals were recovered by TDEC–DOA staff during construction monitoring in 2011. Remains of at least one individual were collected by a private consultant and donated to TDEC–DOA on 4/16/2012. There is no known exposure to hazardous substances or treatments.

Site 40DV161, Davidson County, TN

Human remains representing, at least, one individual. These remains were transferred to TDEC–DOA by the Davidson County Medical Examiner in

2005. No records exist as to the circumstances of their collection. There is no known exposure to hazardous substances or treatments.

Site 40DV247, Davidson County, TN

Human remains representing, at least, one individual. These remains were excavated by TDEC–DOA staff in 1992 prior to residential development. There is no known exposure to hazardous substances or treatments.

Site 40DV266, Davidson County, TN

Human remains representing, at least, one individual. No information is available regarding the collection or donation of these remains. There is no known exposure to hazardous substances or treatments.

Site 40DV301, Davidson County, TN

Human remains representing, at least, one individual, and nine associated funerary objects consisting of one lithic drill; two shell beads; two fragmented shell beads; one partial ceramic vessel; and three lots of marine shell beads. Remains of at least one individual were collected by a private individual and donated to TDEC–DOA in 1989. No information exists as to the circumstances surrounding their collection. All AFOs were excavated by a private consultant under a Chancery Court order in 1989 and donated to TDEC–DOA. The associated skeletal remains were reburied by the consultant under Tennessee cemetery law. There is no known exposure to hazardous substances or treatments.

Site 40DV307, Davidson County, TN

Human remains representing, at least, three individuals. Remains of at least two individuals were collected by TDEC–DOA staff from the eroding river bank in 2010; Remains of at least one individual were collected by a private individual and donated to TDEC–DOA in 2011. There is no known exposure to hazardous substances or treatments.

Site 40DV317, Davidson County, TN

Human remains representing, at least, one individual. These remains were collected by Metro Nashville law enforcement and turned over to the Nashville Medical Examiner. In 2024 they were transferred to TDEC–DOA care. There is no known exposure to hazardous substances or treatments.

Site 40DV392, Davidson County, TN

Human remains representing, at least, one individual, and one associated funerary object consisting of one ceramic sherd. Remains of at least one individual were collected from

disturbed context by TDEC–DOA staff in 1992. The site was excavated by a private consultant in 1998 under a Chancery Court order, with all ancestral remains subsequently reburied by the consultant under Tennessee cemetery law. The one ceramic sherd entered TDEC–DOA care in 1997. There is no known exposure to hazardous substances or treatments.

Site 40DV434, Davidson County, TN

Human remains representing, at least, one individual. These remains were excavated by a private individual in the late 1970s and donated to TDEC–DOA in 2005. There is no known exposure to hazardous substances or treatments.

Site 40DV525, Davidson County, TN

Human remains representing, at least, one individual. No information is available regarding the collection or donation of these remains. There is no known exposure to hazardous substances or treatments.

Site 40DV551, Davidson County, TN

Human remains representing, at least, two individuals. These remains were collected from the site surface by TDEC–DOA staff in 2000 and 2010. There is no known exposure to hazardous substances or treatments.

Site 40DV556, Davidson County, TN

Human remains representing, at least, three individuals, and four associated funerary objects consisting of three lithic flakes and one lot of associated faunal material. These materials were excavated by a private individual in the late 1960s and included in an estate. They were donated to TDEC–DOA in 2019 for repatriation. There is no known exposure to hazardous substances or treatments.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The TDEC–DOA has determined that:

- The human remains described in this notice represent the physical remains of 238 individuals of Native American ancestry.
- The 449 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, the TDEC–DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The TDEC–DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 18, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–19955 Filed 11–14–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6558; NPS–WASO–NAGPRA–NPS0041181; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation, Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) has completed an inventory of human remains and associated funerary objects from Davidson County, Tennessee and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after December 17, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email Phil.Hodge@tn.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC–DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 23 individuals have been identified. The 360 associated funerary objects include 320 artifacts and 40 lots of artifacts described below.

Site 40DV53, Davidson County, TN

Human remains representing, at least, 23 individuals were removed from site 40DV53. The 360 associated funerary objects consists of 285 shell beads (three are currently missing); five worked deer antler tines (three are currently

missing); five chert projectile points; four unprocessed soil samples; five lithic tools; two stone discoidals; two marine shell columella; two marine shell gorgets; two worked freshwater bivalve shells; two worked mammal bones; one chert nodule; one green chlorite pipe; one ceramic pipe; one limestone tempered ceramic vessel; one turkey tarsometatarsus; one box turtle carapace; and 40 lots of associated funerary artifacts. Site 40DV53 was excavated by TDEC–DOA in 1977 prior to destruction by a highway interchange. There is no known exposure to hazardous substances or treatments.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The TDEC–DOA has determined that:

- The human remains described in this notice represent the physical remains of 23 individuals of Native American ancestry.
- The 360 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; The Muscogee (Creek) Nation; The Osage Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, the TDEC–DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The TDEC–DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 18, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–19954 Filed 11–14–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–41199;
PPWOCRADIO, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before September 13, 2025, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by December 2, 2025.

ADDRESSES: Comments are encouraged to be submitted electronically to *National Register Submissions@nps.gov* with the subject line “Public Comment on <property or proposed district name, (County) State>.” If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov*, 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before September 13, 2025. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers.

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

IOWA

Lee County

Donnellson Depot, 400 Mill Street,
Donnellson, SG100012351

Marion County

Pella City Hall, Fire Station, and Jail, 604
Main Street, Pella, SG100012352

Woodbury County

Montgomery Ward Building, 413–417 Pierce
Street, Sioux City, SG100012353

LOUISIANA

Lincoln Parish

Dubach Commercial Historic District,
Roughly bounded by E Hico Street,
McMullin, and Boulevard Street, Dubach,
SG100012344

Ouachita Parish

Mineral Springs Christian Methodist
Episcopal Church, 451 New Mineral
Springs Rd., Calhoun, SG100012343

Richland Parish

Downtown Rayville, Roughly bounded by W
Rosa St., Louisiana St., Bradley St., and S
Eugene St., Rayville, SG100012342

St. Landry Parish

St. Luke General Hospital, 225 Guidroz
Street, Arnaudville, SG100012341

Winn Parish

Sikes High School, 110 Second Street, Sikes,
SG100012340

OHIO

Hamilton County

Lunkenheimer Valve Company Historic
District, 2423, 2450 Beekman Street, 1515,

1530 Tremont Street, & 1545 Waverly
Avenue, Cincinnati, SG100012346

OKLAHOMA

Okmulgee County

Haygood-Shepherd American Legion Post
103, 800 North Wilson Avenue, Okmulgee,
SG100012339

TEXAS

Bexar County

Buick Motor Company, 931 Broadway Street,
San Antonio, SG100012349

A request for removal has been made
for the following resource(s):

IOWA

Warren County

Polled Hereford Breed Origin Site, SW of
Indianola, Indianola vicinity, OT83000408

Authority: Section 60.13 of 36 CFR
part 60.

Sherry A. Frear,

*Chief, National Register of Historic Places/
National Historic Landmarks Program.*

[FR Doc. 2025–19907 Filed 11–14–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6572; NPS–WASO–NAGPRA–
NPS0041249; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Army Corps of Engineers, San Francisco District, San Francisco, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, San Francisco District has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after December 17, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Stephanie Bergman Sahinoglu, Cultural Resources Lead, U.S. Army Corps of Engineers, San Francisco District, 450 Golden Gate Avenue, 4th Floor, San Francisco, CA 94102, email *stephanie.m.bergman@usace.army.mil*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, San Francisco District, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual were removed from CA-SON-544 (Serene Flat Site) in Sonoma County, California in 1979. The 1,655 associated funerary objects are: 155 pieces plus nine lots of chert debitage, 14 chert flakes, 19 chert pieces, three chert projectile points, five chert tools, 14 column samples, 421 fragments plus seven lots faunal remains (16 fragments have not yet been located), two pieces of groundstone, 405 pieces plus four lots of lithic debitage, four pieces of mixed metal and glass, two metal nails, 485 pieces plus 14 lots of obsidian debitage, 13 obsidian flakes (eight obsidian flakes have not yet been located), two obsidian pieces, one obsidian projectile point, one piece of polished bone, eight projectile points, 50 pieces plus two lots of quartz, 11 pieces of shell, and two individual samples plus two lots of soil samples. Site CA-SON-544 is a multi-component site dating from the Dry Creek Phase (500 B.C.—A.D. 1500) through the Smith Phase (A.D. 1300—historic contact).

A total of 326 associated funerary objects were removed from CA-SON-547 (Broken Bridge Site) in Sonoma County, California in 1979. The 326 associated funerary objects are: two botanical samples, two samples plus nine lots of charcoal samples, three pieces of chert, three chert cores, 113 pieces of chert debitage, six individual flakes plus seven lots of chert flakes, four chert projectile points, 12 chert tools, 39 fragments plus three lots of faunal remains, two pieces of groundstone, one lithic core, 24 pieces of lithic debitage, 12 individual plus two lots of lithic flake tools, 10 lithic tools, four pieces of metal, five pieces of obsidian debitage, 11 individual plus seven lots of obsidian flakes, 10 obsidian pieces, four obsidian projectile points, one obsidian tool, one piece of ochre, one lot of quartz cores and flakes, three pieces of quartz debitage, 22 individual plus one lot of quartz flakes, one lot of rock, and one piece of shell. Site CA-SON-547 was a well-developed midden site and

dates from the Skaggs Phase (3000–500 B.C.) through the Smith Phase (A.D. 1300—historic contact).

A total of 74 associated funerary objects were removed from site CA-SON-553 (Double Black-Dirt Delta Site) in Sonoma County, California in 1979. The 74 associated funerary objects include: two charcoal samples, two pieces of chert, 32 pieces of chert debitage, one chert flake, two chert tools, 27 faunal remains, one piece of obsidian, six pieces of obsidian debitage, and one obsidian projectile point. Site CA-SON-553 was a midden site and dates to the Smith Phase (A.D. 1300—historic contact).

Human remains representing, at least, one individual were removed from CA-SON-568 (Smiley Site) in Sonoma County, California in 1979. The 3,834 associated funerary objects are: six botanical samples, five charcoal samples (one sample has not yet been located), one lot of clam shell disc beads, 228 faunal remains, 36 glass and ceramic beads (these beads have not yet been located), 3,554 glass beads (these beads have not yet been located), and four pieces of obsidian debitage. Site CA-SON-568 was described as containing housepits and middens and dates to the Smith Phase (A.D. 1300—historic contact).

Human remains representing, at least, one individual were removed from CA-SON-572 (Banded Rock Pool Site) in Sonoma County, California in 1979. The 1,207 associated funerary objects are: 20 charcoal samples, three pieces of chert, one chert biface, five chert cores (one core has not yet been located), 764 pieces plus 27 lots of chert debitage (109 pieces have not yet been located), six chert flakes, two lots of chert shatter, five chert tools, 42 fragments plus 19 lots of faunal remains, six pieces of groundstone, three lithic cores, eight pieces plus 12 lots of lithic debitage, one lithic flake, three lithic tools, five pieces of obsidian, 219 pieces plus 17 lots of obsidian debitage (15 pieces have not yet been located), 22 obsidian flakes, one obsidian projectile point, three obsidian tools (one tool has not yet been located), eight pieces of ochre, two individual plus two lots of soil samples, and one cooking stone. Site CA-SON-572 was a midden site dating from the Skaggs Phase (2500–500 B.C.) through the Smith Phase (A.D. 1300—historic contact).

Human remains representing, at least, one individual were removed from CA-SON-576 (Sheep Shearing Site) in Sonoma County, California in 1981. The 354 associated funerary objects are: three botanic samples, 19 individual samples plus two lots of charcoal, three

chert cores, 147 pieces plus 16 lots of chert debitage, one chert flake, 53 fragments plus 18 lots of faunal remains, one lot of flotation samples, five pieces of obsidian, 57 pieces plus 15 lots of obsidian debitage, one obsidian projectile point, three obsidian tools, one piece of quartz debitage, one rock, and four individual plus four lots of soil samples. Site CA-SON-576 dates from the Dry Creek Phase (500 B.C.—A.D. 1500) through Smith Phase (A.D. 1300—historic contact).

Human remains representing, at least, two individuals were removed from CA-SON-593I (Treganza Sites 3 and 4) in Sonoma County, California in 1980 and 1981. The 203 associated funerary objects are: two individual and seven lots of charcoal samples, 19 pieces plus four lots of chert debitage, three chert flakes, one chert tool, 111 fragments plus 10 lots of faunal remains, one piece of groundstone, nine pieces plus five lots of obsidian debitage, 12 obsidian flakes, two obsidian projectile points, one obsidian tool, one piece of ochre, two quartz tools, and 11 fragments plus two lots of shell. Site CA-SON-593I has been described as a large village site and dates to the Smith Phase (A.D. 1300—historic contact).

A total of 218 associated funerary objects were removed from site CA-SON-597 (Treganza 7 Site) in Sonoma County, California in 1975. The 218 associated funerary objects include: one .22 caliber bullet, four charcoal samples, three chert and obsidian flakes, 78 pieces plus nine lots of chert debitage, one chert flake, 37 faunal remains, seven lots of flotation samples, 71 pieces plus four lots of obsidian debitage, one obsidian flake, one obsidian projectile point, and one quartz flake. Site CA-SON-597 has been dated to the Smith Phase (A.D. 1300—historic contact).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The U.S. Army Corps of Engineers, San Francisco District has determined that:

- The human remains described in this notice represent the physical remains of six individuals of Native American ancestry.
- The 7,871 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of

death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described in this notice and the Cloverdale Rancheria of Pomo Indians of California; Dry Creek Rancheria Band of Pomo Indians, California; and the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, the U.S. Army Corps of Engineers, San Francisco District must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The U.S. Army Corps of Engineers, San Francisco District is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-19966 Filed 11-14-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6566; NPS-WASO-NAGPRA-NPS0041190; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: Sonoma State University, Rohnert Park, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sonoma State University intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 17, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Elise-Alexandria Green, Sonoma State University, 1801 East Cotati Avenue, Rohnert Park, CA 94928, email greeneli@sonoma.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Sonoma State University, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 207 cultural items have been requested for repatriation.

A total of three unassociated funerary objects were taken from CA-SON-350. This site is located just north of Duncans Point in Sonoma County, California. These cultural items were collected during an archaeological survey. The cultural items are obsidian tools. The cultural items have been housed at Sonoma State University since 1978 under Accession Number 78-03.

A total of two unassociated funerary objects were taken from CA-SON-1186 during a cultural resource survey. This site is located just north of the Russian River in Forestville, California. The cultural items are modified obsidian and a chert flake. The cultural items

have been housed at Sonoma State University since 1979 under Accession Number 79-03.

A total of nine unassociated funerary objects were taken from CA-SON-1328 during a property survey. This site is located west of the Atascadero Creek in Forestville, California. The cultural items are modified obsidian and obsidian flakes. The cultural items have been housed at Sonoma State University since 1981 under Accession Number 81-01.

A total of 81 unassociated funerary objects were taken from CA-SON-1512H, CA-SON-1513, and CA-SON-1514. These sites are located just south of Jenner, California in Sonoma County, near the Russian River. The cultural items were taken during a cultural resource survey performed by the Anthropological Studies Center for the Department of Parks and Recreation. The cultural items include groundstone tools, chert flakes, historic material, obsidian flakes, quartzite, and obsidian projectile points. The cultural items have been housed at Sonoma State University since 1989 under Accession Number 89-02.

A total of 112 unassociated funerary objects were taken from CA-SON-1534. This site is located near Forestville, California in Sonoma County. The cultural items were taken during an investigation of the area due to the Sonoma County Department of Public Works planning to build a wastewater storage reservoir in an area that encompasses the site. Obsidian hydration dating suggests that the site was occupied from 3000 years ago to 150 years ago as of 1989. The cultural items include modified obsidian, modified chert, debitage, groundstone tools, clay, faunal bone, and historic material. The cultural items have been housed at Sonoma State University since 1986 under Accession Number 86-01.

Based on records concerning the sacred objects, objects of cultural patrimony, and the institution in which they are housed, there is no evidence of the cultural items being treated with hazardous substances.

Determinations

The Sonoma State University has determined that:

- The 207 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a

lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, the Sonoma State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Sonoma State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 18, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-19962 Filed 11-14-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6605; NPS-WASO-NAGPRA-
NPS0041198; PPWOCRADN0-
PCU00RP14.R50000]

Notice of Inventory Completion: Temple University, Philadelphia, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Temple University has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after December 17, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Leslie Reeder-Myers, Temple University, 1115 Pollett Walk, Philadelphia, PA 19122, email leslie.reeder-myers@temple.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 Temple University, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, five individuals have been identified. The two associated funerary objects are two projectile points. In the 1960s, the Frances Dorrance Chapter of the Society for Pennsylvania Archaeology excavated from the Schacht Site (36LU1) in Luzerne County, Pennsylvania, with assistance from Jacob Gruber, an archaeologist from Temple University, and John Witthoft of the Pennsylvania Historical Museum Commission. The human remains and funerary objects were acquired by Temple University in 1968. Based on the available information, a relationship of shared group identity can be identified reasonably between the geographical location and the culturally affiliated Indian Tribes. Luzerne County, Pennsylvania, is within the aboriginal and ancestral homeland of the culturally affiliated Indian Tribes. Temple University has no knowledge or record of the presence of any potentially hazardous substances used to treat the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains and associated funerary objects described in this notice.

Determinations

Temple University has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- The two objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Cayuga Nation; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Oneida Indian Nation; Oneida Nation; Onondaga Nation; Saint Regis Mohawk Tribe; Seneca Nation of Indians; Seneca-Cayuga Nation; Shawnee Tribe; Stockbridge Munsee Community, Wisconsin; Tonawanda Band of Seneca; and the Tuscarora Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, Temple University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. Temple University is responsible for sending a copy of this

notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 18, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–19969 Filed 11–14–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6563; NPS–WASO–NAGPRA–
NPS0041187; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Inventory Completion: Museum of Us, San Diego, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Museum of Us has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after December 17, 2025.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Carmen Mosley, NAGPRA Repatriation Manager, Museum of Us, 1350 El Prado, Balboa Park, San Diego, CA 92101, email cmosley@museumofus.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Museum of Us, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The 16 associated funerary objects are from two archeological sites. The eight associated funerary objects removed from Nicholas Mound (CV–2) in Sutter County, CA, include one lot of carbonized textile and basketry material, one lot of miscellaneous burial material,

one lot of carbonized plant material, one lot modified shell, two lots of modified stone, one lot of clay objects, and one lot of modified faunal bone. The eight associated funerary objects removed from Lincoln Mound (CV–22) in Placer County, CA, include two lots of modified faunal bone, one lot of modified shell, four lots of modified stone, and one lot of historic material. No CHRIS Trinomials are being used because the exact location of these sites is not known. There were several sites named Nicholas Mound and Lincoln Mound.

Between 1930 and 1936, the 16 associated funerary objects were obtained by a private collector and looter who amassed an extensive archeological collection over the course of his life. In 1968, this individual's archeological collection was acquired by the San Diego Museum of Man (now Museum of Us) through a purchase/donation transaction with the individual's widow.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

The Museum of Us has determined that:

- The 16 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the United Auburn Indian Community of the Auburn Rancheria of California.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
 2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.
- Repatriation of the associated funerary objects described in this notice

to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, the Museum of Us must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Museum of Us 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 18, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–19959 Filed 11–14–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6561; NPS–WASO–NAGPRA–
NPS0041185; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Inventory Completion: Heard Museum, Phoenix, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Heard Museum has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after December 17, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to David Roche, Director/CEO, Heard Museum, 2301 N Central Avenue, Phoenix, AZ 85004, email director@heard.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Heard Museum, and additional information on the determinations in this notice, including the results of consultation,

can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. The 30 associated funerary objects are ceramic pottery sherds including polychrome fragments, coiled fragments, black-on-white fragments and bones from a large mammal.

Circumstances and date of acquisition unknown. 3288-3: A container with charred bones and ceramic pottery sherds was located and subsequently accessioned during a full collections inventory in 1991. No information was located in the original Heard catalogue. Review in 1992 identified the minimum of one individual as well as bone from a large mammal. Consultation in 2023 determined that further research on pottery type was warranted. Examination of the pottery sherds resulted in the discovery of the words "Verde Valley" labeled on some of the sherds, providing a geographic location. Exposure to hazardous substances is unlikely.

NA-SW-SG-K-2 and NA-SW-SG-A2-1: In 2018 human remains representing at least one individual and 19 associated funerary objects from near Camp Verde in Yavapai County, Arizona, were listed in a Notice of Inventory Completion, published in the **Federal Register** on September 10, 2018 (83 FR 45674-45675). This notice includes one additional associated funerary object, NA-SW-SG-A1-2, a bowl donated at the same time and found near NA-SW-SG-A2-1 near Camp Verde, Yavapai County, Arizona. Exposure to hazardous substances is unlikely.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The Heard Museum has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 31 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of

death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described in this notice and the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, the Heard Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Heard Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 18, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-19957 Filed 11-14-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NRNL-DTS#-41148;
PPWOCRADIO, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before September 6, 2025, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by December 2, 2025.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line "Public Comment on <property or proposed district name, (County) State>." If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov*, 202-913-3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before September 6, 2025. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

MARYLAND

Baltimore County

St. John's Church, Western Run Parish, 3738 Butler Road, Reisterstown, SG100012334

OREGON

Multnomah County

Balch Gulch Bridge, 3010 NW Thurman Street, Portland, SG100012332

Union County

Methodist Episcopal Church of Union, 667 N
Main Street, Union, SG100012335

VIRGINIA**Louisa County**

Cuckoo Elementary School, (African
American Schools in Virginia MPS), 7133
Jefferson Highway, Mineral, MP100012337

WISCONSIN**Manitowoc County**

Luling School, 1010 Huron Street,
Manitowoc, SG100012331

Authority: Section 60.13 of 36 CFR
part 60.

Sherry A. Frear,

*Chief, National Register of Historic Places/
National Historic Landmarks Program.*

[FR Doc. 2025–19908 Filed 11–14–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6575; NPS–WASO–NAGPRA–
NPS0041196; PPWOCRADN0–
PCU00RP14.R50000]

**Notice of Intended Repatriation: New
York State Museum, Albany, NY**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the New York State Museum intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 17, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Lisa Anderson, New York State Museum, 3049 Cultural Education Center, Albany, NY 12230, email lisa.anderson@nysed.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the New York State Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 324 cultural items have been requested for repatriation. The 324 unassociated funerary objects are three flakes, 26 micro flakes, 79 chipped stone particles, one small pottery sherd, seven pottery particles, 49 calcined bone particles, two tiny fish bones, 18 charcoal samples, 18 shell particles, one cracked rock fragment, one glass fragment, four glass particles, one stoneware fragment, 19 brick particles, 12 coal particles, 72 slag particles, and 11 mortar particles from 18 processed flotation soil samples from the village of Waterford, Saratoga County, NY, acquired from Hartgen Archaeological Associates, Inc. in 2013.

Determinations

The New York State Museum has determined that:

- The 324 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, the New York State Museum must determine the most appropriate requestor prior to repatriation. Requests

for joint repatriation of the cultural items are considered a single request and not competing requests. The New York State Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 18, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–19965 Filed 11–14–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS–WASO–NRNHL–DTS#–41256;
PPWOCRADIO, PCU00RP14.R50000]

**National Register of Historic Places;
Notification of Pending Nominations
and Related Actions**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before September 20, 2025, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by December 2, 2025.

ADDRESSES: Comments are encouraged to be submitted electronically to National_Register_Submissions@nps.gov with the subject line “Public Comment on <property or proposed district name, (County) State>.” If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, sherry_frear@nps.gov, 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before September 20, 2025. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of

the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

Key: State, County, Property Name, Multiple Name(if applicable), Address/Boundary, City, Vicinity, Reference Number.

LOUISIANA

La Salle Parish

Carter-Carraway House, 2973 N First Street, Jena, SG100012366
Breithaupt-Moseley House, 150 Daisy Hill Lane, Jena, SG100012367

Richland Parish

Downtown Delhi Historic District (Boundary Increase), Roughly bounded by Fourth Street to the north, Hall and Broadway Streets to the east, Louisiana and Tennessee Streets to the south, and Chicago and Race Streets to the west. Delhi, BC100012365

MASSACHUSETTS

Bristol County

Rogers Grammar School, 0 Chesnut Street and 100 Pleasant Street, Fairhaven, SG100012360

Essex County

Amesbury Public Library, 149 Main Street, Amesbury, SG100012354

Plymouth County

Holy Family Church Complex Historic District, 18 North Avenue, 403 Union Street, and 408 Union Street, Rockland, SG100012359

MISSISSIPPI

Alcorn County

Easom High School, 700 Crater Street, Corinth, SG100012355

NEW YORK

Erie County

Beth Jacob Cemetery, 23 Doat Street, Buffalo, SG100012373

Madison County

Roswell Beckwith, Sr. House, 4622 Syracuse Road, Cazenovia, SG100012372

Saratoga County

School No. 5 “The Little Red Schoolhouse”, 344 Moe Road, Clifton Park, SG100012371

Suffolk County

Corwith-Jones Farmhouse, 248 Newlight Lane, Southampton, SG100012370

Warren County

Chestertown Historic District (Boundary Increase), NY-9/Main St., Riverside Dr., Mill St., LaFlure Ln., Pine St., Theriot Av., Chester, BC100012369

OHIO

Cuyahoga County

Emmanuel Baptist Church (Twentieth-Century African American Civil Rights Movement in Ohio MPS), 7901 Quincy Ave., Cleveland, MP100012357

Additional documentation has been received for the following resource(s):

LOUISIANA

Richland Parish

Downtown Delhi Historic District (Additional Documentation), 606-708 1st St. and 115-201 Broadway, Delhi, AD97000234

NEW YORK

Warren County

Chestertown Historic District (Additional Documentation), Canada Dr. (U.S. 9), Chestertown, AD77000984

WEST VIRGINIA

Cabell County

Downtown Huntington Historic District (Boundary Increase), Portions of Third Ave. to the alley bet. Sixth and Seventh Aves. and from Twelfth St. to Seventh St., Huntington, AD07000240

Nomination(s) submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination(s) and responded to the Federal Preservation Officer within 45 days of receipt of the nomination(s) and supports listing the properties in the National Register of Historic Places.

NEW MEXICO

Otero County

White Sands National Monument Historic District (Additional Documentation), 19955 Highway 70 West, Alamogordo vicinity, AD88000751

Authority: Section 60.13 of 36 CFR part 60.

Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2025-19909 Filed 11-14-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6562; NPS-WASO-NAGPRA-NPS0041186; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and Museum of Northern Arizona, Flagstaff, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Indian Affairs and the Museum of Northern Arizona have completed an inventory of associated funerary objects and have determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after December 17, 2025.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Tamara Billie, U.S. Department of the Interior, Bureau of Indian Affairs, Branch of Cultural Resources Management, 1001 Indian School Road NW, Mailbox 44, Albuquerque, NM 87104, email tamara.billie@bia.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Bureau of Indian Affairs, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The four associated funerary objects identified for this Notice are one basalt scraper, one chert biface, and two ceramic sherds from site NA5998, which is located on the Hualapai Indian Reservation, near Frazier Wells, in Coconino County, AZ. Following further consultation, this Notice serves to update and correct the number of associated funerary objects reported in the previously published Notice for site NA5998. The funerary objects are associated with the Cohonina archeological complex and are dated

between A.D. 900 and 1175. None of the associated funerary objects have been treated with potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

The Bureau of Indian Affairs has determined that:

- The four objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, the Bureau of Indian Affairs must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Bureau of Indian Affairs 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 18, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–19958 Filed 11–14–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6568; NPS–WASO–NAGPRA–NPS0041192; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Utah Field House of Natural History State Park Museum, Vernal, UT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Utah Field House of Natural History State Park Museum (UFHNHSPM) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after December 17, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to John Foster, Museum Curator, Utah Field House of Natural History State Park Museum, 496 East Main Street, Vernal, UT 84078, email johnfoster@utah.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the UFHNHSPM and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available human remains representing at least 26 individuals have been reasonably identified. The three associated funerary objects are two mats and one cloak associated with the cranial remains of one individual.

On indeterminate dates beginning circa 1950s numerous NAGPRA objects

were recovered from private property throughout Northeastern Utah. These objects were subsequently donated to the UFHNHSPM as part of individual or family donations. The Utah Field House Museum retained the human remains as culturally unidentifiable until January 2024 when they were reclassified as culturally identifiable 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. No known provenience is available for the human remains; however, it is reasonably presumed that the individuals originated from locations based on the acquisition history. No known individual was identified. The associated funerary objects are identified in the UFHNHSPM accession and catalog records.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The UFHNHSPM has determined that:

- The human remains described in this notice represent the physical remains of at least 26 individuals of Native American ancestry.
- The three objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Ute Indian Tribe of the Uintah & Ouray Reservation, Utah.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, the UFHNHSPM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The UFHNHSPM is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 18, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–19963 Filed 11–14–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6571; NPS–WASO–NAGPRA–NPS0041195; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: West Virginia Department of Tourism, Charleston, WV

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the West Virginia Department of Tourism 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 December 17, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Dr. Olivia Jones, West Virginia Department of Tourism, Grave Creek Mound Archaeological Complex, 801 Jefferson Avenue, P.O. Box 527, Moundsville, WV 25041, email olivia.a.jones@wv.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the

sole responsibility of the West Virginia Department of Tourism, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual has been identified. No associated funerary objects are present. At some time prior to 1953, the human remains were acquired by geologist Mr. Noel Moebs of Bruceton, Pennsylvania. According to Moebs, the human remains were removed from a small mound near Ocala, Florida in Marion County by students from the University of Florida. Moebs donated the human remains to West Virginia University Department of Geology in 1953 which donated them to the West Virginia Geological and Economic Survey's (WVGES) Section of Archaeology. The WVGES Section of Archaeology collections are in the control of the West Virginia Archaeological Research and Collections Management Facility of the West Virginia Department of Tourism.

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 West Virginia Department of Tourism has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Miccosukee Tribe of Indians; Seminole Tribe of Florida; and The Seminole Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or

an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, the West Virginia Department of Tourism 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 West Virginia Department of Tourism 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 18, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–19964 Filed 11–14–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6592; NPS–WASO–NAGPRA–NPS0041197; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: U.S. Department of the Interior, National Park Service, Chaco Culture National Historical Park, Nageezi, NM

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Chaco Culture National Historical Park (CHCU) intends to repatriate a certain cultural item that meets the definition of a sacred object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after December 17, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Denise Robertson, Superintendent, Chaco Culture National Historical Park, P.O. Box 220, 1808 CR7950, Nageezi, NM 87037, email denise_robertson@nps.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the

National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Superintendent, CHCU, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one sacred object is a quartz crystal. The large quartz crystal was discovered by park preservation staff during inspection of backfill and drainage at the site known as Talus Unit 1 (LA2470, also known as Bc 257 or 29SJ1930). Based on frequent staff activity in the area, the crystal was likely placed in the room between November 28, 2012 and December 3, 2012. The item was removed from the location of its discovery on December 3, 2012 but was not recognized as an item of importance to descendant communities at the time. It is not believed that the crystal originated within CHCU boundaries from either geological or archeological deposits. The item was identified as a sacred object to the Pueblo of San Felipe during a visit by tribal officials to the museum repository. The cultural item listed is not known to have been treated with a hazardous substance.

Determinations

CHCU has determined that:

- The one sacred object described in this notice is a specific ceremonial object needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a reasonable connection between the cultural item described in this notice and the Pueblo of San Felipe, New Mexico.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, CHCU must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. CHCU is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 18, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–19953 Filed 11–14–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0041247;
PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Bixby Memorial Free Library, Vergennes, VT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Bixby Memorial Free Library 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 December 17, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Miranda Degreenia, Bixby Memorial Free Library, 258 Main Street, Vergennes, VT 05491, email miranda.degreenia@bixbylibrary.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Bixby Memorial Free Library, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The

National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. No associated funerary objects are present. Sometime before 1968, two human remains were removed from Bristol, VT. The Bixby Memorial Free Library does not have documentation of how these items were removed from Bristol, VT or any subsequent transfers, but these items came into our possession when they were given to the library by Ernst Bilhuber, a Euro-American collector of Native American objects throughout the country and resident of the Vergennes area, in 1968. Bristol, VT is within the Stockbridge-Munsee Community's cultural area of interest and documented historical area and is the only Federally-recognized Tribal Nation with NAGPRA standing. The Bixby Memorial Free Library does not have any documentation to indicate any potentially hazardous substances were used to treat any of the human remains.

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 Bixby Memorial Free Library 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 Stockbridge Munsee Community, Wisconsin.

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 December 17, 2025. If competing requests for repatriation are received, the Bixby Memorial Free Library 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 Bixby Memorial Free Library 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 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-19960 Filed 11-14-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6560; NPS-WASO-NAGPRA-
NPS0041184; PPWOCRADNO-
PCU00RP14.R50000]

Notice of Intended Repatriation: Tennessee Department of Environment and Conservation, Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC-DOA) intends to repatriate certain cultural items from Davidson County, Tennessee that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 17, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC-DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email Phil.Hodge@tn.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The

determinations in this notice are the sole responsibility of the TDEC-DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 13 unassociated funerary objects have been requested for repatriation.

Site 40DV4, Davidson County, TN

Unassociated funerary objects consisting of two salt pan ceramic sherds. These artifacts were excavated by a private consultant in 1991 during a TDOT-permitted archaeological project and curated with TDEC-DOA. There is no known exposure to hazardous substances or treatments.

Site 40DV35, Davidson County, TN

Unassociated funerary objects consisting of one banded limestone gorget. No information is available regarding the 1990 acquisition of this material into TDEC-DOA collections. There is no known exposure to hazardous substances or treatments.

Site 40DV195, Davidson County, TN

Unassociated funerary objects consisting of one calcite ear plug. This artifact was recovered from a Mississippian period stone box cemetery excavated by private consultant in 1992 under a Chancery court order, and donated to TDEC-DOA in 1993. All ancestral remains were reinterred by the consultant under state law. There is no known exposure to hazardous substances or treatments.

Site 40DV447, Davidson County, TN

A total of six unassociated funerary objects consisting of four lithic artifacts; one lot of lithic artifacts; and one lot of copper beads. This material was recovered during excavations associated with TDOT construction of Briley Parkway and donated to TDEC-DOA in 1995. The associated skeletal remains were reburied in 1995 under state cemetery law. There is no known exposure to hazardous substances or treatments.

Unknown Site, Davidson County, TN

A total of three unassociated funerary objects consisting of one ceramic frog effigy vessel; one ceramic bowl; and one lot of shell beads. These materials were donated to TDEC-DOA from the collection of the Cumberland Science Museum.

Determinations

The TDEC-DOA has determined that:

- The 13 unassociated funerary objects are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, the TDEC-DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The TDEC-DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 18, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–19956 Filed 11–14–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6573; NPS–WASO–NAGPRA–
NPS0041250; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Intended Repatriation: U.S. Army Corps of Engineers, San Francisco District, San Francisco, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, San Francisco District intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 17, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Stephanie Bergman Sahinoglu, Cultural Resources Lead, U.S. Army Corps of Engineers, San Francisco District, 450 Golden Gate Avenue, 4th Floor, San Francisco, CA 94102, email stephanie.m.bergman@usace.army.mil.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, San Francisco District, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The sites in this notice were recorded during the construction of the Warm Springs Dam in Sonoma County, California. Dam construction began in 1967 prompting cultural resource investigations at Lake Sonoma which identified many of these sites in the

1970s. These sites were excavated throughout the 1970s and early 1980s, often by Martin A. Baumhoff of the University of California, Davis and David A. Fredrickson of the Sonoma State University.

A total of 870 cultural items from site CA–SON–544 have been requested for repatriation. The 870 unassociated funerary objects are: 46 individual plus one lot of charcoal samples, three chert cores, 59 pieces plus 26 lots of chert debitage, five chert flakes, 23 pieces of chert, four chert projectile points, one chert tool, 10 column samples, 271 fragments plus 24 lots of faunal remains, 10 pieces plus one lot of glass, 14 pieces of groundstone, one lot of lithic debitage, four lithic tools, one piece plus two lots of metal, 21 pieces plus 16 lots of obsidian debitage, two obsidian flakes, 18 obsidian hydration slides, eight individual pieces plus four lots of obsidian, one individual plus two lots of obsidian projectile points, 14 pieces of ochre, 11 projectile points, 119 pieces plus eight lots of quartz, 37 individual plus five lots of rock, 61 fragments plus 19 lots of shell, 16 soil samples, one piece of wood, and one lot of petrified wood.

A total of 413 cultural items from site CA–SON–547 have been requested for repatriation. The 413 unassociated funerary objects are: two ash lens samples, 49 lots of charcoal samples, two chert cores, nine pieces plus 12 lots of chert debitage, one lot of chert projectile points, three pieces of chert, three individual plus one lot of chert tools, 178 fragments plus 26 lots of faunal remains, one piece plus one lot of glass, five pieces of groundstone, three lithic tools, one lot of metal and wood, 34 pieces plus 19 lots of obsidian debitage, 14 obsidian hydration slides, two lots of quartz flakes, 16 pieces of quartz, two individual plus nine lots of rock, and 10 individual plus 10 lots of soil samples.

A total of one cultural item from site CA–SON–549 has been requested for repatriation. The one unassociated funerary object is a piece of groundstone.

A total of one cultural item from site CA–SON–550 has been requested for repatriation. The one unassociated funerary object is one lot of chert flakes.

A total of 427 cultural items from site CA–SON–551 have been requested for repatriation. The 427 unassociated funerary objects are: four pieces of basalt debitage, 22 charcoal samples, one chert core, 58 pieces plus 38 lots of chert debitage, one chert flake, 42 pieces of chert, one lot of chert tools, two pieces plus one lot of groundstone, two lithic cores, 17 pieces plus nine lots of

lithic debitage, 19 individual plus one lot of lithic tools, 155 pieces plus three lots of obsidian debitage, 16 obsidian flakes, one individual plus one lot of obsidian tools, one pieces of ochre, 28 pieces plus one lot of quartz, one shell fragment, and two lots of soil samples.

A total of 17 cultural items from site CA–SON–552 have been requested for repatriation. The 17 unassociated funerary objects are: two lots of ceramics, three fragments plus two lots of faunal remains, two lots of glass, one lot of leather, four lots of metal, one piece of ochre, one piece of quartz, and one lot of wood.

A total of 2,077 cultural items from site CA–SON–553 have been requested for repatriation. The 2,077 unassociated funerary objects are: one awl, three botanic samples, five individual plus 163 lots of charcoal samples, three chert cores, 69 pieces plus 56 lots of chert debitage, 13 individual plus 12 lots of chert flakes, 12 pieces plus one lot of chert, two individual plus two lots of chert tools, 690 fragments plus 152 lots of faunal remains, 41 lots of floatation samples, one piece of glass, one lot of glass and metal, eight pieces plus two lots of groundstone, nine lots of lithic debitage, four lithic cores, one lithic tool, 70 pieces plus 14 lots of obsidian debitage, 75 individual plus one lot of obsidian flakes, 26 obsidian hydration slides, four pieces plus one lot of obsidian, one obsidian projectile point, 10 obsidian tools, 10 pieces plus two lots of ochre, eight pestles, 389 pieces of quartz debitage, five quartz cores, 75 pieces plus 23 lots of quartz, 13 shell beads, 38 fragments plus 46 lots of shell, one individual plus nine lots of soil samples, three pieces plus one lot of wood, and one wood tool.

A total of 45 cultural items from site CA–SON–554 have been requested for repatriation. The 45 unassociated funerary objects are: 33 chert cores, 10 pieces of chert debitage, one chert tool, and one quartz core.

A total of two cultural items from site CA–SON–555 have been requested for repatriation. The two unassociated funerary objects are one piece plus one lot of groundstone.

A total of 3,088 cultural items from site CA–SON–556 have been requested for repatriation. The 3,088 unassociated funerary objects are: 73 individual plus nine lots of botanic samples, eight sherds plus two lots of ceramics, seven pieces plus one lot of ceramic stoneware, 85 individual plus 26 lots of charcoal samples, one chertstone, one piece of chert, eight individual plus three lots of chert cores, 59 pieces plus 40 lots of chert debitage, 97 chert flakes, five chert projectile points, 21

individual plus six lots of chert tools, one coin, four cooking stones, two pieces of cork, 707 fragments plus 356 lots of faunal remains, seven lots of flotation samples, 253 pieces plus seven lots of glass, 58 pieces plus two lots of groundstone, one piece of leather, 92 pieces plus three lots of metal, six pieces of mica schist, one piece of obsidian, two obsidian cores, 93 pieces plus 46 lots of obsidian debitage, 24 individual plus one lot of obsidian flakes, 108 obsidian hydration slides, one obsidian preform, 13 obsidian projectile points, 134 individual plus one lot of obsidian tools, 113 pieces of ochre, two pieces of plastic, 407 pieces of quartz, six pieces of quartz debitage, three quartz cores, two quartz flakes, 10 rocks, one seed bead, seven fragments plus one lot of shell, one shell bead, 115 individual plus 30 lots of soil samples, one spoon, four stone beads, and seven pieces plus three lots of wood.

A total of two cultural items from site CA–SON–558 have been requested for repatriation. The two unassociated funerary objects are: one lot of charcoal samples and one lot of groundstone.

A total of 1,489 cultural items from site CA–SON–566 have been requested for repatriation. The 1,489 unassociated funerary objects are: 460 pieces plus 59 lots of chert debitage, 204 fragments plus 55 lots of faunal remains, 361 pieces plus 136 lots of obsidian debitage, one rock, 187 fragments plus 25 lots of shell, and one piece of wood.

A total of 96 cultural items from site CA–SON–567 have been requested for repatriation. The 96 unassociated funerary objects are: two chert flakes, five faunal remains, 45 pieces plus 22 lots of metal, 16 obsidian hydration slides, one obsidian projectile point, and three pieces plus two lots of wood.

A total of 1,450 cultural items from site CA–SON–568 have been requested for repatriation. The 1,450 unassociated funerary objects are: one individual plus one lot of botanic samples, 85 individual plus 125 lots of charcoal samples, 35 individual plus one lot of chert cores, 8 pieces plus 103 lots of chert debitage, 55 chert flakes, 54 pieces plus two lots of chert, 22 chert projectile points, 13 individual plus three lots of chert tools, one coin, one lot of debitage, 438 fragments plus 98 lots of faunal remains, three flotation samples, one piece plus one lot of glass, 24 pieces of groundstone, nine pieces plus two lots of lithic debitage, nine pieces plus five lots of metal, three lots of mixed metal and glass, one piece of mica schist, 10 pieces plus eight lots of obsidian debitage, three lots of obsidian flakes, 79 obsidian hydration slides, 37 pieces plus one lot of obsidian, four individual

plus one lot of obsidian projectile points, two obsidian tools, one projectile point, eight pieces of quartz, three quartz cores, five pieces of quartz debitage, 88 individual plus four lots of quartz flakes, two quartz tools, 10 rocks, three fire cracked rocks, 24 fragments plus one lot of shell, and 46 individual plus six lots of soil samples.

A total of one cultural item from site CA–SON–570 has been requested for repatriation. The one unassociated funerary object is a charcoal sample.

A total of 307 cultural items from site CA–SON–571 have been requested for repatriation. The 307 unassociated funerary objects are: one piece of chert, one faunal remain, 24 pieces of groundstone, 108 obsidian hydration slides, 158 pieces of obsidian, one soil sample, and 14 stone beads.

A total of 2,587 cultural items from site CA–SON–572 have been requested for repatriation. The 2,587 unassociated funerary objects are: eight botanic samples, 67 charcoal samples, 23 individual plus one lot of chert cores, 644 pieces plus 194 lots of chert debitage, 39 individual plus two lots of chert flakes, 33 pieces of chert, 13 chert projectile points, 52 chert tools, 311 fragments plus 30 lots of faunal remains, 89 pieces of groundstone, 14 lots of lithic debitage, 130 pieces plus five lots of obsidian, one obsidian core, 469 pieces plus 210 lots of obsidian debitage, 52 individual plus one lot of obsidian flakes, 67 obsidian hydration slides, 31 obsidian projectile points, 55 obsidian tools, 13 pieces of ochre, five pieces plus one lot of quartz, and 18 individual plus nine lots of soil samples.

A total of two cultural items from site CA–SON–573 have been requested for repatriation. The two unassociated funerary objects are groundstone.

A total of 13 cultural items from site CA–SON–575 have been requested for repatriation. The 13 unassociated funerary objects are: eight pieces plus one lot of chert debitage, one lot of faunal remains, one piece plus one lot of obsidian debitage, and one piece of quartz.

A total of 2,581 cultural items from site CA–SON–576 have been requested for repatriation. The 2,581 unassociated funerary objects are: six botanic samples, 144 sherds plus 11 lots of ceramics, 168 individual plus six lots of charcoal samples, 24 chert cores, 411 pieces plus 79 lots of chert debitage, 32 chert flakes, four chert projectile points, eight chert tools, 526 fragments plus 88 lots of faunal remains, 18 lots of flotation samples, 80 pieces plus five lots of glass, 27 pieces of groundstone, one piece of leather, 487 pieces plus two

lots of lithic debitage, 72 pieces plus 10 lots of metal, one piece of mica schist, one obsidian core, 224 pieces plus 37 lots of obsidian debitage, nine obsidian flakes, eight obsidian hydration slides, 30 pieces of obsidian, 14 obsidian projectile points, 12 obsidian tools, 10 pieces of ochre, one lot of organic material, one quartz flake, two individual plus one lot of rock, 14 shell fragments, three lots of soil samples, and three pieces plus one lot of wood.

A total of 618 cultural items from site CA–SON–577 have been requested for repatriation. The 618 unassociated funerary objects are: 92 charcoal samples, six pieces of chert, 12 individual plus two lots of chert cores, 200 pieces plus 106 lots of chert debitage, 13 chert flakes, three chert projectile points, 51 individual plus one lot of chert tools, 16 fragments plus 23 lots of faunal remains, nine lots of flotation samples, two pieces of lithic debitage, one lithic tool, two pieces of mica schist, two pieces plus five lots of obsidian debitage, 38 individual plus one lot of obsidian flakes, three obsidian hydration slides, one lot of obsidian pieces, seven obsidian projection points, one piece of ochre, one quartz core, seven pieces of quartz debitage, one rock, one shell fragment, four individual plus four lots of soil samples, and three stone beads.

A total of 18 cultural items from site CA–SON–578 have been requested for repatriation. The 18 unassociated funerary objects are: three pieces plus three lots of chert debitage, eight pieces of lithic debitage, and four shell fragments.

A total of one cultural item from site CA–SON–579 has been requested for repatriation. The one unassociated funerary object is an obsidian projectile point.

A total of four cultural items from site CA–SON–581 have been requested for repatriation. The four unassociated funerary objects are chert flakes.

A total of 91 cultural items from site CA–SON–582 have been requested for repatriation. The 91 unassociated funerary objects are: six lots of charcoal samples, two faunal remains, 73 flotation samples, two pieces of groundstone, and eight obsidian hydration slides.

A total of 49 cultural items from site CA–SON–584 have been requested for repatriation. The 49 unassociated funerary objects are: 22 chert cores, one piece of chert debitage, eight chert tools, one lithic tool, one obsidian hydration slide, and 16 obsidian tools.

A total of 246 cultural items from site CA–SON–588 have been requested for repatriation. The 246 unassociated

funerary objects are: 11 individual plus one lot of botanic samples, one chert core, 15 pieces of chert debitage, one chert flake, 12 fragments plus four lots of faunal remains, 70 pieces plus one lot of glass, four pieces of groundstone, 13 sherds plus one lot of ceramics, 45 pieces plus 37 lots of metal, 20 miscellaneous historic objects, five pieces of obsidian debitage, two obsidian flakes, and three pieces of wood.

A total of three cultural items from site CA–SON–592 have been requested for repatriation. The three unassociated funerary objects are: one chert projectile point, one piece of groundstone, and one piece of lithic debitage.

A total of 3,816 cultural items from site CA–SON–593I have been requested for repatriation. The 3,814 unassociated funerary objects are: eight ash lens samples, 28 botanic samples, 39 sherds plus one lot of ceramics, 212 charcoal samples, 11 chert cores, 519 pieces plus 107 lots of chert debitage, 50 chert flakes, one individual plus three lots of chert tools, 185 fragments plus 391 lots of faunal remains, 30 faunal bone tools, eight lots of flotation samples, 39 pieces plus six lots of glass, 58 pieces plus six lots of groundstone, four pieces plus two lots of lithic debitage, 65 pieces plus 14 lots of metal, one individual and one lot of miscellaneous historic objects, 867 pieces plus 199 lots of obsidian debitage, nine obsidian flakes, 98 obsidian hydration slides, 88 obsidian projectile points, five obsidian tools, 35 pieces plus one lot of ochre, two quartz cores, 27 quartz flakes, 35 quartz tools, 30 quartz pieces, 11 individual and two lots of rock, 39 individual plus one lot of shell beads, 456 fragments plus 68 lots of shell, 12 individual plus 12 lots of soil samples, two trade beads, and 25 pieces plus one lot of wood. The two objects of cultural patrimony are cupule rocks (baby rocks).

A total of 2,345 cultural items from site CA–SON–593II have been requested for repatriation. The 2,345 unassociated funerary objects are: two lots of botanic samples, 191 lots of charcoal samples, eight chert cores, 691 pieces plus 170 lots of chert debitage, three chert flakes, one piece of chert, 23 chert projectile points, 21 chert tools, 282 fragments plus 91 lots of faunal remains, 18 pieces of groundstone, one piece plus 19 lots of lithic debitage, one obsidian core, 503 pieces plus 138 lots of obsidian debitage, nine obsidian flakes, one piece of obsidian, five obsidian projectile points, 45 obsidian tools, two quartz cores, 94 pieces plus three lots of quartz debitage, and 23 soil samples.

A total of 1,254 cultural items from site CA–SON–597 have been requested

for repatriation. The 1,254 unassociated funerary objects are: four individual plus one lot of botanic samples, 125 charcoal samples, eight pieces of chert, 20 chert cores, 365 pieces plus 143 lots of chert debitage, 10 chert projectile points, seven chert tools, 17 faunal remains, 15 individual plus eight lots of flotation samples, six pieces of glass, 31 pieces plus two lots of groundstone, nine pieces plus 13 lots of lithic debitage, three lithic flakes, 19 pieces plus two lots of metal, 273 pieces plus 54 lots of obsidian debitage, three individual plus one lot of obsidian flakes, 15 obsidian hydration slides, one piece of obsidian, 19 obsidian projectile points, one lot of obsidian tools, eight pieces plus one lot of ochre, 24 pieces of quartz debitage, one quartz tool, two rocks, six individual plus eight lots of soil samples, and 26 pieces plus three lots of wood.

A total of one cultural item from site CA–SON–598 has been requested for repatriation. The one unassociated funerary object is a lot of flotation samples.

A total of one cultural item from site CA–SON–608 has been requested for repatriation. The one object of cultural patrimony is a cupule rock (baby rock).

A total of 10 cultural items from site CA–SON–1163 have been requested for repatriation. The 10 unassociated funerary objects are: one lot of leather and nine pieces of metal.

A total of one cultural item from site CA–SON–1168 has been requested for repatriation. The one unassociated funerary object is a piece of metal.

A total of 243 cultural items from site CA–SON–UNKNOWN have been requested for repatriation. The 243 unassociated funerary objects are: 70 pieces of groundstone and 173 obsidian hydration slides.

Determinations

The U.S. Army Corps of Engineers, San Francisco District has determined that:

- The 24,167 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or

individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- The three objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Cloverdale Rancheria of Pomo Indians of California; Dry Creek Rancheria Band of Pomo Indians, California; and the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, the U.S. Army Corps of Engineers, San Francisco District must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The U.S. Army Corps of Engineers, San Francisco District is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–19967 Filed 11–14–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6574; NPS-WASO-NAGPRA-NPS0041251; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: U.S. Army Corps of Engineers, San Francisco District, San Francisco, CA, and University of California Riverside, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, San Francisco District and the University of California, Riverside intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 17, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Stephanie Bergman Sahinoglu, Cultural Resources Lead, U.S. Army Corps of Engineers, San Francisco District, 450 Golden Gate Avenue, 4th Floor, San Francisco, CA 94102, email stephanie.m.bergman@usace.army.mil and Ms. Megan Murphy, University of California, Riverside, 900 University Avenue, Riverside, CA 92517-5900, email megan.murphy@ucr.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 U.S. Army Corps of Engineers, San Francisco District and the University of California, Riverside and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 33 cultural items from CA-SON-547, CA-SON-556, CA-SON-568, CA-SON-571, CA-SON-593, CA-SON-597, CA-SON-608, and Preston Lake have been requested for repatriation. The 33 unassociated funerary objects are soil and charcoal samples. All of these samples were likely removed as part of

the U.S. Army Corps of Engineers (USACE) Warm Springs Dam project, but whether all were removed from USACE-controlled property is unclear. Ultimately, because the matter of control is unclear, this notice is being submitted cooperatively by the USACE San Francisco District and University of California, Riverside.

Determinations

The U.S. Army Corps of Engineers, San Francisco District and the University of California, Riverside has determined that:

- The 33 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Cloverdale Rancheria of Pomo Indians of California; Dry Creek Rancheria Band of Pomo Indians, California; and the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, the U.S. Army Corps of Engineers, San Francisco District and the University of California, Riverside must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not

competing requests. The U.S. Army Corps of Engineers, San Francisco District and the University of California, Riverside is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-19968 Filed 11-14-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6565; NPS-WASO-NAGPRA-NPS0041189; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: Gilcrease Museum, Tulsa, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Gilcrease Museum intends to repatriate a certain cultural item that meets the definition of a sacred object and that has a known lineal descendant.

DATES: Repatriation of the cultural item in this notice may occur on or after December 17, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Laura Bryant, Gilcrease Museum, 1400 N Gilcrease Museum Road, Tulsa, OK 74127, email laura-bryant@utulsa.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 Gilcrease Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

One cultural item has been requested for repatriation. The sacred object is a fire stick from a naming ceremony conducted in Stroud, OK at Sac and Fox Nation in 1963. Carol Rachlin, an

anthropologist who regularly visited Sac and Fox Nation at that time, donated her collection, including this item, to Gilcrease Museum in 2014.

Determinations

The Gilcrease Museum has determined that:

- The one sacred object described in this notice is specific ceremonial object needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- A known lineal descendant (name withheld per request) is connected to the cultural item described in this notice.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after December 17, 2025. If competing requests for repatriation are received, the Gilcrease Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Gilcrease Museum is responsible for sending a copy of this notice to all requestors and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 18, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-19961 Filed 11-14-25; 8:45 am]

BILLING CODE 4312-52-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Dynamic Random Access Memory (DRAM) Devices, Products Containing the Same, and Components Thereof, DN 3854*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf Netlist, Inc on September 30, 2025. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain dynamic random access memory (DRAM) devices, products containing the same, and components thereof. The complaint names as respondents: Samsung Electronics Co., Ltd. of South Korea; Samsung Electronics America, Inc. of Plano, TX; Samsung Semiconductor, Inc. of Plano, TX; Google LLC of Mountain View, CA; and Super Micro Computer, Inc. of San Jose, CA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document

electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3854") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: November 13, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–19973 Filed 11–14–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof, DN 3853*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf JUUL Labs, Inc. and VMR Products LLC on September 30, 2025. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain vaporizer devices, cartridges used therewith, and components thereof. The complaint

names as respondents: Glas, Inc. of Los Angeles, CA; and Glas, LLC of Los Angeles, CA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a)

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

of the Commission’s Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (“Docket No. 3853”) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures).¹ Please note the Secretary’s Office will accept only electronic filings during this time. Filings must be made through the Commission’s Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission’s Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.
Issued: September 30, 2025.
Lisa Barton,
Secretary to the Commission.
[FR Doc. 2025–19929 Filed 11–14–25; 8:45 am]
BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On November 4, 2025, the Department of Justice lodged a proposed consent decree with the United States District Court for the Northern District of New York in the lawsuit entitled *U.S. v. Hauler’s Facility LLC, et al.*, Civil No. 5:25–cv–01551.

In that action, the United States sought, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. 9601, *et seq.*, recovery of response costs regarding the Ley Creek Deferred Media Operable Unit (“Site”) of the Onondaga Lake Superfund Site in Salina and Dewitt, Onondaga County, New York. The proposed consent decree will require 16 settling defendants to make individual payments totaling \$2,170,916. From these proceeds, \$200,000 will be paid to three entities that succeeded General Motors under a 2011 consent decree in the General Motors bankruptcy matter and the rest, including accrued interest, will be paid to the U.S. Environmental Protection Agency for its past and future response costs at the Site.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *U.S. v. Hauler’s Facility LLC*, D.J. Ref. No. 90–11–3–08348/8. All comments must be submitted no later than 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

To submit comments:	Send them to:
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 in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the consent decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Eric D. Albert,
Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.
[FR Doc. 2025–19940 Filed 11–14–25; 8:45 am]
BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB 1140–0006]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application and Permit To Import Firearms, Ammunition, and Defense Articles (ATF Form 5330.3B (“Form 6, Part II”))

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives; Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until December 17, 2025.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Austin Funk, Firearms and Explosives Import Branch, either by mail at Bureau of Alcohol, Tobacco, Firearms and Explosives; 244 Needy Road, Martinsburg, WV 25405, by email

at Austin.Funk@atf.gov, or by telephone at 304–616–4654.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register**, volume 90, page 37568, on Tuesday, August 5, 2025, allowing a 60-day comment period. We encourage written comments and suggestions from the public and affected agencies concerning the proposed information collection. Your comments should address one or more of the following four points:

- Evaluate whether the proposed information collection is necessary to properly perform ATF's functions, including whether the information will have practical utility;
- Evaluate the agency's estimate of the proposed information collection's burden for accuracy, including validity of the methodology and assumptions used;
- Evaluate whether, and if so, how, the quality, utility, and clarity of the collected information can be enhanced; and
- Minimize the information collection's burden on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting people to submit electronic responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the information collection or the OMB Control Number 1140–0006. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three years. OMB authorization for an ICR cannot be for more than three years without renewal. DOJ notes that information collection requirements submitted to OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of information collection:* revision of a previously approved collection.

2. *Title of the form/collection:* Application and Permit to Import Firearms, Ammunition, and Defense Articles.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* ATF Form 5330.3B ("Form 6, part II").

Component: Bureau of Alcohol, Tobacco, Firearms, and Explosives; U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public: private sector-for or not for profit institutions.

Abstract: military members use ATF Form 5330.3B ("Form 6, part II") to request approval to import articles described on the application back to the U.S. ATF uses the information on Form 6, part II to determine if the article(s) described on the application qualifies to be imported by the person requesting approval and the form then serves as the authorization for them to import the items.

ATF is modifying information collection (IC) OMB 1140–0006 to revise the title of the form for improved readability. ATF is also revising the form to add attachment sheets, at the request of users, to make the form more aligned with ATF Form 5330.3A ("Form 6, part I"), as well as make it easier for applicants with large numbers of item types to include in their applications. The attachment sheets include ones for defense articles and ammunition. The form instructions are also being updated to include current statute and regulation citations, some terminology changes (such as changing 'articles' to 'firearm(s), ammunition, and defense article(s)'), and contact information updates to provide the most efficient methods of contacting the office. The instructions have also been condensed and reworded for clarity. This revision also includes terminology and grammar updates.

This information collection is also being revised to reflect a decrease in the number of respondents since the last renewal, from 400 down to 312 per year, a decrease of 88. This has also resulted in a decrease in the total hourly burden from 200 to 156 total annual hours.

5. *Obligation to respond:* the obligation to respond is voluntary.

6. *Total estimated number of respondents:* 312 respondents.

7. *Estimated time per respondent:* 30 minutes.

8. *Frequency:* once annually.

9. *Total estimated annual time burden:* 156 total hours.

10. *Total estimated annual other costs burden:* \$0.

If you need additional information, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division; United States Department of Justice; Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: November 13, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–19985 Filed 11–14–25; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–ONEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection; User Access Request Form for EPIC System Portal (ESP)

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Drug Enforcement Administration, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until December 17, 2025.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Benjamin Inks, Writer/Editor, Office of Compliance, Policy Administration Section 700 Army Navy Drive, Arlington, VA 22202, telephone: 571–672–4524, email: Benjamin.B.Inks@dea.gov.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on 07/25/2025, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should

address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the information collection. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* New Collection.
2. *Title of the Form/Collection:* User Access Request Form for the EPIC System Portal.
3. *Form Number:* To be assigned upon approval by the OMB. The sponsoring component is the Drug Enforcement Administration.
4. The affected public includes federal, state, local, and tribal law enforcement personnel seeking access to the ESP. The obligation to respond is required to obtain access to the system.

5. *Obligation to Respond:* Voluntary.
6. The estimated number of respondents for this form is 1,000.
7. *Estimated Time per Respondent:* 7 minutes.

8. *Total Estimated Annual Time Burden:* 1,000 hours.

9. *Total Estimated Annual Other Costs Burden:* \$4,666.80.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management, Service Delivery Staff, Office of the Chief Information Officer, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W-218 Washington, DC 20530.

Dated: November 13, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-19919 Filed 11-14-25; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

[OMB Number 1140-0094]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Title—Certification of Qualifying State Relief From Disabilities Program—ATF Form 3210.12

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: 30-Day Notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until December 17, 2025.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Pamela Eisert, FIBPB, either by mail at Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington DC 20226, by email at email at fipb-informationcollection@atf.gov, or by telephone at 202-658-7190.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal**

Register, volume 90 page 37567, on Tuesday, August 5, 2025, allowing a 60-day comment period. We encourage written comments and suggestions from the public and affected agencies concerning the proposed information collection. Your comments should address one or more of the following four points:

- Evaluate whether the proposed information collection is necessary to properly perform ATF's functions, including whether the information will have practical utility;
- Evaluate the agency's estimate of the proposed information collection's burden for accuracy, including validity of the methodology and assumptions used;
- Evaluate whether, and if so, how, the quality, utility, and clarity of the collected information can be enhanced; and
- Minimize the information collection's burden on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting people to submit electronic responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the information collection or the OMB Control Number 1140-0094. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three years. OMB authorization for an ICR cannot be for more than three years without renewal. DOJ notes that information collection requirements submitted to OMB for existing ICRs receive a month-to-month extension while they undergo review.

During the 60-day public comment period, ATF did not receive any comments on this ICR.

Overview of This Information Collection

1. *Type of information collection:* revising a previously approved collection.

2. *Title of the form/collection:* Certification of Qualifying State Relief from Disabilities Program.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* ATF Form 3210.12.

Component: Bureau of Alcohol, Tobacco, Firearms, and Explosives; U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public: state, local and tribal governments.

Abstract: The NICS Improvement Act sought to address gap in information from states about mental health adjudications/commitments prohibiting purchase of firearms. It authorizes grants for states to improve quality and completeness of records available to NICS, but to qualify for a grant, a state official must certify to ATF that the state has implemented a qualifying program permitting people adjudicated as a mental defective or committed to an institution to apply for relief from that firearms disability.

5. *Obligation to respond:* the obligation to respond is required to obtain or retain a benefit.

6. *Total estimated number of respondents:* 50 respondents.

7. *Estimated time per respondent:* 15 minutes.

8. *Frequency:* once annually.

9. *Total estimated annual time burden:* 0.25 hours.

10. *Total estimated annual other costs burden:* \$0.

If you need additional information, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division; United States Department of Justice; Two Constitution Square, 145 N Street NE, 4W-218 Washington, DC 20530.

Dated: November 13, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-19991 Filed 11-14-25; 8:45 am]

BILLING CODE 4410-FY-P

NATIONAL CREDIT UNION ADMINISTRATION

Renewal of Agency Information Collection of a Previously Approved Collection; Request for Comments

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of submission to the Office of Management and Budget.

SUMMARY: As required by the Paperwork Reduction Act of 1995, The National Credit Union Administration (NCUA) is submitting the following extensions of currently approved collections to the Office of Management and Budget (OMB) for renewal.

DATES: Written comments should be received on or before December 17, 2025 to be assured consideration.

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:

Copies of the submission may be obtained by contacting Dacia Rogers at (703) 518-6547, emailing PRAComments@ncua.gov, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133-0170.

Title: Fidelity Bond and Insurance Coverage (Sec. 704.18 and Part 713).

Type of Review: Extension of a previously approved collection.

Abstract: The Federal Credit Union Act (at 12 U.S.C. 1761b(2)) requires that the boards of federal credit unions (FCU) arrange for adequate fidelity coverage for officers and employees having custody of or responsibility for handling funds. The regulation contains a number of reporting requirements where a credit union seeks to exercise flexibility under the regulations. These requirements enable NCUA to monitor the FCU's financial condition for safety and soundness purposes and help ensure that FCUs are properly and adequately protected against potential losses due to insider abuse such as fraud and embezzlement.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 11.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 11.

Estimated Hours per Response: 1.

Estimated Total Annual Burden Hours: 11

Reason for Change: The number of respondents decreased.

OMB Number: 3133-0201.

Title: NCUA Personnel Security Processing Forms.

Type of Review: Extension of a previously approved collection.

Abstract: Title 5, Code of Federal Regulations, Part 731 (suitability), Executive Order (E.O.) 13764 (contractor fitness), E.O. 12968/SEAD 4 (classified access), and Homeland Security Directive-12 (badging) requires all federal and contractor employees to undergo a background investigation when seeking employment with an agency. The NCUA Personnel Security Processing Forms (Personnel Security Data Form-Contractor, Personnel Security Data Form—Employee and the Authorization for Release of Credit Information) are used to collect the necessary information for applying the government-established suitability/fitness criteria on employees before they can begin employment with or perform contractual services for the NCUA. It may be also required should a contract employee be moved to a new contract work. The background investigation process culminates in an adjudicative determination of whether or not these employees are fit to perform services on behalf of the agency.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 500.

Estimated Number of Responses per Respondent: Varies.

Estimated Total Annual Responses: 1200.

Estimated Hours per Response: .16.

Estimated Total Annual Burden Hours: 200.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) whether the collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By the National Credit Union Administration Board.

Melane Conyers-Ausbrooks,
Secretary of the Board.

[FR Doc. 2025-20005 Filed 11-14-25; 8:45 am]

BILLING CODE 7535-01-P

NUCLEAR REGULATORY COMMISSION**[Docket No. 70–7027; NRC–2022–0201]****TRISO–X, LLC; Special Nuclear Material License Application for the TRISO–X Fuel Fabrication Facility; Draft Environmental Impact Statement****AGENCY:** Nuclear Regulatory Commission.**ACTION:** Request for comment; extension of comment period.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is extending the public comment period for a draft Environmental Impact Statement (EIS) for a Special Nuclear Material License Application for the TRISO–X Fuel Fabrication Facility. TRISO–X, LLC (TRISO–X) requested authorization to possess and use special nuclear material to manufacture high-assay low enriched uranium fuel. The proposed fuel fabrication facility would be located on a 110-acre site at the Horizon Center in Oak Ridge, Roane County, Tennessee. The public comment period was originally scheduled to close on November 17, 2025.

DATES: The due date of comments requested in the document published on November 17, 2025 (90 FR 48508) is extended. Comments should be filed no later than December 8, 2025. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before that date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2022–0201. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual(s) listed in the “For Further Information Contact” section of this document.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jill Caverly, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7674; email: Jill.Caverly@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Obtaining Information and Submitting Comments***A. Obtaining Information*

Please refer to Docket ID NRC–2022–0201 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this action using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2022–0201.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin ADAMS Public Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to PDR.Resource@nrc.gov. The draft EIS is available in ADAMS under Accession No. ML25267A128.

- *NRC’s PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- *Public Library:* A copy of the draft EIS for a Special Nuclear Material License Application for the TRISO–X Fuel Fabrication Facility will be available for public review at the Oak Ridge Public Library, 1401 Oak Ridge Turnpike, Oak Ridge, TN 37830.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2022–0201 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the

comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

The NRC has prepared a draft EIS as part of its environmental review of the TRISO–X application for a 40-year license to possess and use special nuclear material at a fuel fabrication facility (FFF) to be constructed on a 110-acre greenfield site in Oak Ridge, Roane County, Tennessee. This draft EIS assesses the potential environmental impacts of the TRISO–X license application and the associated proposal to construct, operate, and decommission the FFF, as well as an alternative to the proposed action.

The NRC registered the draft EIS with the U.S. Environmental Protection Agency (EPA) in September 2025. However, due to the lapse of government appropriations, notice of the availability of the document was not published on October 3, 2025, by EPA as originally scheduled. The NRC staff issued a **Federal Register** notice (FRN) on October 23, 2025 (90 FR 48508) to make the public aware of the availability of the document and to request comments on the draft EIS. That FRN notified the public of the original comment period end date of November 17. However, to be consistent with the requirement in part 51 title 10 of the *Code of Federal Regulations*, the staff is extending the comment period end date to December 8, 2025. Therefore, the NRC staff will continue to receive draft EIS comments until December 8, 2025.

Dated: November 13, 2025.

For the Nuclear Regulatory Commission.

Kimyata Savoy,

Acting Deputy Director, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety, and Safeguards.

[FR Doc. 2025–19998 Filed 11–14–25; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Senior Executive Service— Performance Review Board

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members of the OPM Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Kimberly Sylke, Office of the Chief Human Capital Officer, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, (202) 936-3339.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. The board reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor and considers recommendations to the appointing authority regarding the performance of the senior executive.

Office of Personnel Management.

Jerson Matias,

Federal Register Liaison.

The following have been designated as members of the Fiscal Year 2025 Performance Review Board of the U.S. Office of Personnel Management:
James Sullivan, Chief of Staff (Chair)
Christina Bonarrigo, Deputy Chief of Staff
Carmen Garcia, Chief Human Capital Officer
Marina Golovkina, White House Liaison
Colleen Heller-Stein, Executive Director CHCO Council
Allison Kidd-Miller, Deputy General Counsel
Joseph Knouff, Suitability Director
Margaret Pearson, Associate Director, Retirement Services
Dianna Saxman, Associate Director, Human Resources Solutions

[FR Doc. 2025-19952 Filed 11-14-25; 8:45 am]

BILLING CODE 6325-45-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026-88 and K2026-88; MC2026-89 and K2026-89; MC2026-90 and K2026-90]

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:* November 19, 2025.

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

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

SUPPLEMENTARY INFORMATION:

Table of Contents

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

I. Introduction

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

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular

point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

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

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)-(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests. The comment due date discussed below does not apply to Section III proceedings (Docket Nos. MC2026-89 and K2026-89; Docket Nos. MC2026-90 and K2026-90).

II. Public Proceeding(s)

1. *Docket No(s).*: MC2026-88 and K2026-88; *Filing Title:* USPS Request to Add Priority Mail Contract 943 to the Competitive Product List and Notice of Filing Materials Under Seal, with Material Filed Under Seal; *Filing Acceptance Date:* November 10, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* November 19, 2025.

III. Summary Proceeding(s)

1. *Docket No(s).*: MC2026-89 and K2026-89; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM-GA Contract 913, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 10, 2025; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

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).

2. *Docket No(s)*: MC2026–90 and K2026–90; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 914, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 10, 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. 2025–19899 Filed 11–14–25; 8:45 am]

BILLING CODE 7710–FW–P

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

[Notice–PCLOB–2025–01; Docket No. 2025–0002; Sequence No. 13]

Privacy and Civil Liberties Oversight Board Public Forum

AGENCY: U.S. Privacy and Civil Liberties Oversight Board (PCLOB).

ACTION: Notice.

SUMMARY: The Privacy and Civil Liberties Oversight Board will hold a virtual public forum on Tuesday, December 2nd to discuss how financial tools historically used by the government to fight terrorism may now be impacting Americans' privacy and civil liberties. The forum will be held from 11:00 a.m. to 12:30 p.m. Eastern Daylight Time (EDT). No registration is required to view this event, which will be livestreamed at www.pclob.gov. More information about this online forum will be posted at www.pclob.gov as it becomes available. The Board seeks public comments both in advance of and following the forum to help inform the discussion and future Board deliberations.

DATES: This event will be held from 11:00 a.m. to 12:30 p.m., EDT, on December 2nd, 2025. Public comments may be submitted any time prior to the closing of the docket at 11:59 p.m. EDT on Friday, December 12th, 2025.

ADDRESSES: You may submit comments responsive to notice PCLOB–2025–01 via <http://www.regulations.gov>. Please search by Notice PCLOB–2025–01 and follow the on-line instructions for submitting comments. Responsive comments received generally will be posted without change to [regulations.gov](http://www.regulations.gov), including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [regulations.gov](http://www.regulations.gov) approximately

two-to-three business days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT:

Alan Silverleib, Director of Legislative and Public Affairs, Privacy and Civil Liberties Oversight Board, at 202–997–7719 and via email at pao@pclob.gov.

SUPPLEMENTARY INFORMATION:

Background

The federal government has significant authority to combat terrorism through financial services regulation. In some cases, the two-way flow of information between financial institutions and the government enables intelligence analyses that can be used to identify, disrupt, and prosecute terrorist networks. But some have argued that the growth of government power in this area has extended beyond terrorism and has permitted unreasonable risks to privacy and civil liberties.

By holding this forum, PCLOB will hear from experts about how the current regulatory system functions from both a national security and privacy and civil liberties perspective. Specifically, the forum will examine concerns raised by Members of Congress, businesses, and civil liberties advocates that due to anti-money laundering and other regulatory requirements, as well as vague regulatory supervision standards such as “reputational risk,” financial institutions may be encouraged to engage in the practice of debanking/de-risking, which may deny banking services to innocent individuals, groups, and organizations.

PCLOB invites input from all stakeholders including members of the public, representing a variety of backgrounds and perspectives. If a comment is submitted on behalf of an organization, the individual respondent's role in the organization may also be provided on a voluntary basis. While PCLOB currently lacks a quorum, the agency is using this forum and the comments received to understand and scope potential future oversight.

Alan Silverleib,

Legislative and Public Affairs Director,
Privacy and Civil Liberties Oversight Board.

[FR Doc. 2025–19897 Filed 11–14–25; 8:45 am]

BILLING CODE 6820–B3–P

RAILROAD RETIREMENT BOARD

2026 Railroad Experience Rating Proclamations, Monthly Compensation Base and Other Determinations

AGENCY: Railroad Retirement Board.

ACTION: Notice.

SUMMARY: As required by the Railroad Unemployment Insurance Act (Act), the Railroad Retirement Board (RRB) hereby publishes its notice for calendar year 2026 of account balances, factors used in calculating experience-based employer contribution rates, computation of amounts related to the monthly compensation base, and the maximum daily benefit rate for days of unemployment or sickness.

DATES: The balance in notice (1) and the determinations made in notices (3) through (7) are based on data as of June 30, 2025. The balance in notice (2) is based on data as of September 30, 2025. The determinations made in notices (5) through (7) apply to the calculation, under section 8(a)(1)(C) of the Act, of employer contribution rates for 2026. The determinations made in notices (8) through (11) are effective January 1, 2026. The determination made in notice (12) is effective for registration periods beginning after June 30, 2026.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 N Rush Street, Chicago, Illinois 60611–1275.

FOR FURTHER INFORMATION CONTACT:

Sheryl Enders, Bureau of the Actuary and Research, Railroad Retirement Board, 844 N Rush Street, Chicago, Illinois 60611–1275, telephone (312) 751–4729.

SUPPLEMENTARY INFORMATION: The RRB is required by section 8(c)(1) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(1)) as amended by Public Law 100–647, to proclaim by October 15 of each year certain system-wide factors used in calculating experience-based employer contribution rates for the following year. The RRB is further required by section 8(c)(2) of the Act (45 U.S.C. 358(c)(2)) to publish the amounts so determined and proclaimed. The RRB is required by section 12(r)(3) of the Act (45 U.S.C. 362(r)(3)) to publish by December 11, 2025, the computation of the calendar year 2026 monthly compensation base (section 1(i) of the Act) and amounts described in sections 1(k), 2(c), 3 and 4(a–2)(i)(A) of the Act which are related to changes in the monthly compensation base. Also, the RRB is required to publish, by June 11, 2026, the maximum daily benefit rate under section 2(a)(3) of the Act for days of unemployment and days of sickness in registration periods beginning after June 30, 2026.

Pursuant to section 8(c)(2) and section 12(r)(3) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(2) and 45 U.S.C. 362(r)(3), respectively), the Board gives notice of the following:

1. The accrual balance of the Railroad Unemployment Insurance (RUI)

Account, as of June 30, 2025, is \$405,304,675.36;

2. The September 30, 2025, balance of any new loans to the RUI Account, including accrued interest, is zero;

3. The system compensation base is \$4,781,105,053.09 as of June 30, 2025;

4. The cumulative system unallocated charge balance is (\$519,032,476.69) as of June 30, 2025;

5. The pooled credit ratio for calendar year 2026 is zero;

6. The pooled charged ratio for calendar year 2026 is zero;

7. The surcharge rate for calendar year 2026 is zero;

8. The monthly compensation base under section 1(i) of the Act is \$2,150 for months in calendar year 2026;

9. The amount described in sections 1(k) and 3 of the Act as “2.5 times the monthly compensation base” is \$5,375.00 for base year (calendar year) 2026;

10. The amount described in section 4(a–2)(i)(A) of the Act as “2.5 times the monthly compensation base” is \$5,375.00 with respect to disqualifications ending in calendar year 2026;

11. The amount described in section 2(c) of the Act as “an amount that bears the same ratio to \$775 as the monthly compensation base for that year as computed under section 1(i) of this Act bears to \$600” is \$2,777 for months in calendar year 2026;

12. The maximum daily benefit rate under section 2(a)(3) of the Act is \$103 with respect to days of unemployment and days of sickness in registration periods beginning after June 30, 2026.

Surcharge Rate

A surcharge is added in the calculation of each employer's contribution rate, subject to the applicable maximum rate, for a calendar year whenever the balance to the credit of the RUI Account on the preceding June 30 is less than the greater of \$100 million or the amount that bears the same ratio to \$100 million as the system compensation base for that June 30 bears to the system compensation base as of June 30, 1991. If the RUI Account balance is less than \$100 million (as indexed), but at least \$50 million (as indexed), the surcharge will be 1.5 percent. If the RUI Account balance is less than \$50 million (as indexed), but greater than zero, the surcharge will be 2.5 percent. The maximum surcharge of 3.5 percent applies if the RUI Account balance is less than zero.

The ratio of the June 30, 2025 system compensation base of \$4,781,105,053.09 to the June 30, 1991 system compensation base of \$2,763,287,237.04

is 1.73022369. Multiplying 1.73022369 by \$100 million yields \$173,022,369.00. Multiplying \$50 million by 1.73022369 produces \$86,511,184.50. The Account balance on June 30, 2025, was \$405,304,675.36. Accordingly, the surcharge rate for calendar year 2026 is zero.

Pooled Credit

A pooled credit is applied in the calculation of each employer's contribution rate, subject to the applicable minimum rate, for a calendar year whenever the balance to the credit of the RUI Account on the preceding June 30 is more than the greater of \$250 million or the amount that bears the same ratio to \$250 million as the system compensation base for that June 30 bears to the system compensation base as of June 30, 1991. If the balance is more than the greater of \$250 million or the indexed \$250 million, the excess amount is divided by the system compensation base for the preceding calendar year, resulting in the pooled credit amount.

The ratio of the June 30, 2025 system compensation base of \$4,781,105,053.09 to the June 30, 1991 system compensation base of \$2,763,287,237.04 is 1.73022369. Multiplying 1.73022369 by \$250 million yields \$432,555,922.50. The Account balance on June 30, 2025, was \$405,304,675.36. Accordingly, the pooled credit rate for calendar year 2026 is zero.

Monthly Compensation Base

For years after 1988, section 1(i) of the Act contains a formula for determining the monthly compensation base. Under the prescribed formula, the monthly compensation base increases by approximately two-thirds of the cumulative growth in average national wages since 1984. The monthly compensation base for months in calendar year 2026 shall be equal to the greater of (a) \$600 or (b) $\$600 [1 + \{(A - 37,800)/56,700\}]$, where A equals the amount of the applicable base with respect to tier 1 taxes for 2026 under section 3231(e)(2) of the Internal Revenue Code of 1986. Section 1(i) further provides that if the amount so determined is not a multiple of \$5, it shall be rounded to the nearest multiple of \$5.

Using the calendar year 2026 tier 1 tax base of \$184,500 for A above produces the amount of \$2,152.38, which must then be rounded to \$2,150. Accordingly, the monthly compensation base is determined to be \$2,150 for months in calendar year 2026.

Amounts Related to Changes in Monthly Compensation Base

For years after 1988, sections 1(k), 3, 4(a–2)(i)(A) and 2(c) of the Act contain formulas for determining amounts related to the monthly compensation base.

Under section 1(k), remuneration earned from employment covered under the Act cannot be considered subsidiary remuneration if the employee's base year compensation is less than 2.5 times the monthly compensation base for months in such base year. Under section 3, an employee shall be a “qualified employee” if his/her base year compensation is not less than 2.5 times the monthly compensation base for months in such base year. Under section 4(a–2)(i)(A), an employee who leaves work voluntarily without good cause is disqualified from receiving unemployment benefits until the employee has been paid compensation of not less than 2.5 times the monthly compensation base for months in the calendar year in which the disqualification ends.

Multiplying 2.5 by the calendar year 2026 monthly compensation base of \$2,150 produces \$5,375.00. Accordingly, the amount determined under sections 1(k), 3 and 4(a–2)(i)(A) is \$5,375.00 for calendar year 2026.

Under section 2(c), the maximum amount of normal benefits paid for days of unemployment within a benefit year and the maximum amount of normal benefits paid for days of sickness within a benefit year shall not exceed an employee's compensation in the base year. In determining an employee's base year compensation, any money remuneration in a month not in excess of an amount that bears the same ratio to \$775 as the monthly compensation base for that year bears to \$600 shall be taken into account.

The calendar year 2026 monthly compensation base is \$2,150. The ratio of \$2,150 to \$600 is 3.58333333. Multiplying 3.58333333 by \$775 produces \$2,777. Accordingly, the amount determined under section 2(c) is \$2,777 for months in calendar year 2026.

Maximum Daily Benefit Rate

Section 2(a)(3) contains a formula for determining the maximum daily benefit rate for registration periods beginning after June 30, 1989, and after each June 30 thereafter. Legislation enacted on October 9, 1996, revised the formula for indexing maximum daily benefit rates. Under the prescribed formula, the maximum daily benefit rate increases by approximately two-thirds of the

cumulative growth in average national wages since 1984. The maximum daily benefit rate for registration periods beginning after June 30, 2026, shall be equal to 5 percent of the monthly compensation base for the base year immediately preceding the beginning of the benefit year. Section 2(a)(3) further provides that if the amount so computed is not a multiple of \$1, it shall be rounded down to the nearest multiple of \$1.

The calendar year 2025 monthly compensation base is \$2,065. Multiplying \$2,065 by 0.05 yields \$103.25. Accordingly, the maximum daily benefit rate for days of unemployment and days of sickness beginning in registration periods after June 30, 2026, is determined to be \$103.

By Authority of the Board.

Stephanie Hillyard,

Secretary to the Board.

[FR Doc. 2025–19930 Filed 11–14–25; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104174; File No. 600–39]

Paxos Securities Settlement Company, LLC; Order Instituting Proceedings To Determine Whether To Grant or Deny an Application for Registration as a Clearing Agency Under Section 17A of the Securities Exchange Act of 1934

November 4, 2025.

I. Introduction

On July 14, 2025, Paxos Securities Settlement Company, LLC (“PSSC”) filed with the Securities and Exchange Commission (“Commission” or “SEC”) an application on Form CA–1 (“Application”) under section 17A of the Securities Exchange Act of 1934 (“Exchange Act”) seeking to register as a clearing agency.¹ Notice of the Application was published for comment in the **Federal Register** on August 6, 2025,² and the Commission received comments in response to the Application.³

¹ 15 U.S.C. 78q–1. Non-confidential aspects of the Application, including any exhibits thereto cited in this order, are available on the Commission’s website at: <https://www.sec.gov/rules-regulations/other-commission-orders-notices-information/pssc-form-ca-1>.

² Release No. 34–103624 (Aug. 1, 2025), 90 FR 37940 (Aug. 6, 2025).

³ The public comment file for the Application is available on the Commission’s website at: <https://www.sec.gov/rules-regulations/2025/08/600-39>. While the SEC is currently “accepting” comments, in that we will not prevent the submission of letters via the usual methods (webform, email, or mail),

Section 19(a)(1) of the Exchange Act requires the Commission, within ninety days of the date of publication of notice of an application for registration as a clearing agency, or such longer period as to which the applicant consents, to, by order, grant such registration or institute proceedings to determine whether such registration should be denied.⁴ This order institutes proceedings under section 19(a)(1)(B) of the Exchange Act to determine whether PSSC’s Application for registration as a clearing agency should be granted or denied, and provides notice of the grounds for denial under consideration by the Commission, as set forth below.

II. Description of the Application

PSSC is applying to register as a clearing agency to provide clearance and settlement services as a central securities depository (“CSD”) and securities settlement system.⁵ The Application explains that PSSC would provide such services through its private, permissioned settlement service that supports a distributed ledger, which is designed to conduct delivery versus payment (“DVP”) settlement on a bilateral basis.⁶ The Application also states that PSSC will apply to become a participant in the Depository Trust Company (“DTC”) ⁷ so that PSSC can make its services available to DTC participants who also (i) meet the participant qualifications specified in PSSC’s proposed rules, including qualifications regarding the types of entities eligible to become a PSSC participant;⁸ (ii) are approved by the PSSC’s Compliance and Risk

the SEC will not be posting them until after the resumption of duties. Please note that there may be a delay in the public availability of comments after the resumption of duties; comments will be treated as if received on the original submission date.

⁴ 15 U.S.C. 78s(a)(1).

⁵ See, e.g., Application, Exhibit I at 1; Exhibit J at 1. Consistent with the activities described in the Application, PSSC’s proposed settlement system meets the definition of “central securities depository” under Commission rules. See 17 CFR 240.17ad–22(a); see also Release No. 34–88616 (Apr. 9, 2020), 85 FR 28853, 28857 (May 14, 2020) (describing the “cluster of services” provided by CSDs and securities settlement systems).

⁶ See Application, Exhibit J at 1.

⁷ DTC, a securities depository as that term is described in the Exchange Act, 15 U.S.C. 78c(a)(23)(A), is registered with the Commission as a clearing agency and provides CSD services. The Application states that PSSC has not yet applied to become a participant in DTC. See Application, Exhibit A.

⁸ See Application, Exhibit E.16 (Rule 2A); see also Application, Exhibit J. Pursuant to PSSC’s proposed Rule 2A, the types of entities that would be eligible to become participants include registered broker-dealers, certain bank and trust companies, registered clearing agencies, insurance companies or insurance entities, and registered investment companies.

Management Committee;⁹ and (iii) have met applicable margin requirements pursuant to PSSC’s proposed rules.¹⁰

III. Proceedings To Determine Whether To Grant or Deny the Application and Grounds for Potential Denial Under Consideration

To grant PSSC’s request to register as a clearing agency, the Commission must find that the Application satisfies the requirements of the Exchange Act and the rules and regulations thereunder, including the determinations set forth in paragraphs (A) through (I) of section 17A(b)(3) of the Exchange Act.¹¹ In addition, pursuant to section 17A of the Exchange Act, the Commission is directed, having due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and maintenance of fair competition among brokers and dealers, clearing agencies, and transfer agents, to use its authority to: (i) facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities (other than exempt securities); and (ii) facilitate the establishment of linked or coordinated facilities for clearance and settlement of transactions in securities in accordance with the findings and to carry out the objectives set forth in section 17A.¹²

To support its analysis under the above statutory directives and required determinations, the Commission is instituting proceedings pursuant to section 19(a)(1)(B) of the Exchange Act to determine whether to grant or deny the Application.¹³ Institution of such proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to comment on the Application and provide the Commission with arguments and data to support the Commission’s analysis as to whether to grant or deny the Application.

Pursuant to section 19(a)(1)(B) of the Exchange Act,¹⁴ the Commission is providing notice of the grounds for denial under consideration. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the Application’s consistency with the

⁹ See Application, Exhibit E.16 (Rule 2A).

¹⁰ See Application, Exhibit E.15 (Rule 2, referring to margin requirements in PSSC’s proposed Rules 5A, 5B, and 5C); see also Exhibit J.

¹¹ 15 U.S.C. 78s(a); 15 U.S.C. 78q–1(b)(3). The determinations are described further below.

¹² 15 U.S.C. 78q–1(a)(2)(A).

¹³ 15 U.S.C. 78(s)(a)(1)(B).

¹⁴ *Id.*

requirements of section 17A of the Exchange Act and the rules and regulations thereunder, including the following provisions:

A. Section 17A(b)(3)(A): Organization and Capacity

Section 17A(b)(3)(A) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that such clearing agency is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible, to safeguard securities and funds in its custody or control or for which it is responsible, to comply with the provisions of the Exchange Act and the rules and regulations thereunder, to enforce (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of the Exchange Act) compliance by its participants with the rules of the clearing agency, and to carry out the purposes of this section.

B. Section 17A(b)(3)(B): Participation Standards

Section 17A(b)(3)(B) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that, among other things, the rules of the clearing agency provide that any (i) registered broker or dealer, (ii) other registered clearing agency, (iii) registered investment company, (iv) bank, (v) insurance company, or (vi) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system or the prompt and accurate clearance and settlement of securities transactions may become a participant in such clearing agency.¹⁵

C. Section 17A(b)(3)(C): Fair Representation

Section 17A(b)(3)(C) of the Exchange Act states that, among other things, a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the selection of its directors and administration of its affairs.¹⁶

¹⁵ Section 17A(b)(3)(B) of the Exchange Act also states that the rules of the clearing agency are subject to the provisions of Section 17A(b)(4) of the Exchange Act.

¹⁶ Section 17A(b)(3)(C) of the Exchange Act also states that the Commission may determine that the representation of participants is fair if they are afforded a reasonable opportunity to acquire voting stock of the clearing agency, directly or indirectly,

D. Section 17A(b)(3)(D) and (E): Fees

Section 17A(b)(3)(D) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants. Section 17A(b)(3)(E) of the Exchange Act states that a clearing agency shall not be registered unless the rules of the clearing agency do not impose any schedule of prices, or fix rates or other fees, for services rendered by its participants.

E. Section 17A(b)(3)(F): Rules Designed To Promote Prompt and Accurate Clearance and Settlement and the Safeguarding of Securities and Funds

Section 17A(b)(3)(F) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines, among other things, that the rules of the clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest.

D. Section 17A(b)(3)(G) and (H): Participant Discipline

Section 17A(b)(3)(G) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency provide that (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of the Exchange Act) its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, or any other fitting sanction. Section 17A(b)(3)(H) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines, among other things, that the rules of the clearing agency, in general, provide a fair procedure with respect to

in reasonable proportion to their use of such clearing agency.

the disciplining of participants, the denial of participation to any persons seeking participation therein, and the prohibition or limitation by the clearing agency of any person with respect to access to services offered by the clearing agency.¹⁷

E. Section 17A(b)(3)(I): Competition

Section 17A(b)(3)(I) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

IV. Request for Comment

The Commission requests that interested persons provide written views and data with respect to PSSC's Application and its consistency with section 17A(b)(3) of the Exchange Act, as discussed above, as well as any other concerns that they may have with the Application. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/other.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number 600-39 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number 600-39. 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/other.shtml>).

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 600-39 and should be submitted on or before December 8, 2025.

¹⁷ Section 17A(b)(3)(H) of the Exchange Act also states that the rules of the clearing agency be in accordance with the provisions of Section 17A(b)(5) of the Exchange Act.

By the Commission.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2025–19914 Filed 11–14–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104172]

Order Granting Temporary Exemptive Relief, Pursuant to Section 36(a)(1) of the Securities Exchange Act of 1934 and Rules 610(f) and 612(d) of Regulation NMS, From Compliance With Rule 600(b)(89)(i)(F), Rule 610(c), Rule 610(d) and Rule 612 of Regulation NMS, as Amended

October 31, 2025.

I. Introduction

On September 18, 2024, the Securities and Exchange Commission (“SEC” or “Commission”) adopted Regulation NMS: Minimum Pricing Increments, Access Fees and Transparency of Better Priced Orders,¹ which among other things: (1) amended Rule 612 of Regulation NMS to establish a minimum pricing increment of \$0.005 for bids, offers, orders and indications of interest that are priced equal to or greater than \$1.00 per share in certain NMS stocks;² (2) reduced the level of the access fee caps under Rule 610(c) of Regulation NMS to \$0.001 per share for protected quotations and other best bids and offers in NMS stocks priced at \$1.00 or more per share and 0.1 percent of the quotation price for protected quotations and other best bids and offers in NMS stocks priced less than \$1.00 per share,³ and adopted Rule 610(d) of Regulation NMS⁴ to require all exchange fees and rebates to be determinable at the time of execution; and (3) accelerated the implementation of the round lot⁵ and odd-lot information⁶ definitions in Rule 600(b) of Regulation NMS and added information about the best odd-lot order to the definition of odd-lot information.⁷

The Commission adopted compliance dates for the amendments, setting the dates upon which the rules must be implemented. The specific compliance dates are:⁸

- Rules 600(b)(89)(i)(F)⁹ and 612¹⁰ (amended minimum pricing increment): The first business day of November 2025.

- Rules 600(b)(89)(iv),¹¹ 600(b)(93),¹² and 603(b)(3)¹³ (with respect to the requirement that the effective national market system plans to disseminate consolidated information shall provide for the dissemination of all consolidated information for an individual NMS stock through an exclusive securities information processor (“SIP”), and that the exclusive SIPs must represent quotation sizes in such consolidated information in terms of the number of shares, rounded down to the nearest multiple of a round lot): The first business day of November 2025.

- For Rule 610¹⁴ (amended access fee caps and the requirement that all exchange fees and rebates be determinable at the time of execution): The first business day of November 2025.

- For Rules 600(b)(69)¹⁵ and 603(b)(3)¹⁶ (with respect to the requirement that every national securities exchange on which an NMS stock is traded and national securities association must make available to the exclusive SIP all data necessary to generate odd-lot information, and the collection, consolidation and dissemination of odd-lot information by the exclusive SIPs): The first business day of May 2026.

After the Commission issued the Adopting Release, between September 18, 2024 and October 30, 2024, petitions seeking review of certain of the amended rules were filed in the U.S. Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”).¹⁷ In

⁹ 17 CFR 242.600(b)(89)(i)(F).

¹⁰ 17 CFR 242.612.

¹¹ 17 CFR 242.600(b)(89)(iv). Rule 600(b)(89)(iv) requires the primary listing exchanges to provide information required under Rule 600(b)(89)(i)(E) and (F) to the applicable plan processor for dissemination. The Adopting Release set the compliance date for the primary listing exchanges and applicable plan processors to comply with Rule 600(b)(89)(i)(E), which requires an indicator of the applicable round lot size, and Rule 600(b)(89)(i)(F), which requires an indicator of the applicable minimum pricing increment, on the first business day of November 2025. As discussed below, the Commission is providing temporary exemptive relief from the compliance date for Rule 600(b)(89)(i)(F) until the first business day of November 2026.

¹² 17 CFR 242.600(b)(93).

¹³ 17 CFR 242.603(b)(3).

¹⁴ 17 CFR 242.610.

¹⁵ 17 CFR 242.600(b)(69).

¹⁶ 17 CFR 242.603(b)(3).

¹⁷ *We the Investors* et al. v. SEC, No. 24–1302 (D.C. Cir. Filed Sept. 18, 2024); *We the Investors* et al. v. SEC, No. 24–1303; (D.C. Cir. Filed Sept. 18, 2024); *We the Investors* et al. v. SEC, 24–1319 (D.C. Cir. Filed Oct. 8, 2024); *Choe Global Markets*, et al.

addition, certain petitioners filed a motion with the Commission to stay the effect of the amendments to Rules 610 and 612 of Regulation NMS pending resolution of their petition for review to the D.C. Circuit. On December 12, 2024, the Commission issued an order granting a partial stay of the effect of the amendments to Rules 600(b)(89)(i)(F), 610(c) and 612 pending the completion of judicial review.¹⁸ On October 14, 2025, the D.C. Circuit issued an opinion denying the petition for review.¹⁹

In light of the denial of the petition for review, and in anticipation of an end to the partial stay upon the completion of judicial review as well as concerns about the ability of market participants to comply with certain amendments by the dates set forth in the Adopting Release as discussed below, the Commission is granting temporary exemptive relief from the compliance dates for Rules 600(b)(89)(i)(F), 610 and 612. For the reasons discussed below, the temporary exemptive relief from the compliance dates will be until as follows:

- Rules 600(b)(89)(i)(F) and 612 implementing the amended minimum pricing increment: Until the first business day of November 2026.

- Rule 610(c) implementing the amended access fee caps: Until the first business day of November 2026.

- Rule 610(d) implementing the requirement that exchange fees be determinable at the time of execution: Until the first business day of February 2026.

The Commission is also providing temporary exemptive relief to the exchanges from the requirement to file proposed rule changes to amend any exchange rules to reflect the round lot definition in Rule 600(b)(93) of Regulation NMS²⁰ until 30 calendar days following the end of the lapse in appropriations as discussed below.

II. Discussion and Temporary Exemptive Relief

Section 36(a)(1) of the Securities Exchange Act of 1934 (“Exchange Act”) authorizes the Commission, by rule, regulation, or order, to exempt, conditionally or unconditionally, any person, security, or transaction, or any

v. SEC, No. 24–1350 (D.C. Cir., filed Oct. 30, 2024). These actions were consolidated. See *Choe Global Markets, Inc.*, et al. v. SEC, No. 24–1350 (D.C. Cir.) Doc. Nos. 2084891, 2086101.

¹⁸ See Securities Exchange Act Release No. 101899 (Dec. 12, 2024) (Order Granting Partial Stay). The Commission did not stay amendments to Rule 610(d), Rule 603(b), and the definitions of round lot and odd-lot information in Rule 600(b).

¹⁹ *Choe Global Markets, Inc.*, et al. v. SEC, No. 24–1350 (D.C. Cir. Oct. 14, 2025).

²⁰ 17 CFR 242.600(b)(93).

¹ Securities Exchange Act Release No. 101070 (Sept. 18, 2024), 89 FR 81620 (Oct. 8, 2024) (“Adopting Release”).

² 17 CFR 242.612.

³ 17 CFR 242.610(c).

⁴ 17 CFR 242.610(d).

⁵ 17 CFR 242.600(b)(93).

⁶ 17 CFR 242.600(b)(69).

⁷ 17 CFR 242.600(b)(69)(iii).

⁸ See Adopting Release, *supra* note 1 at 81679–81681.

class or classes of persons, securities, or transactions, from any provisions of the Exchange Act, or any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.²¹ Rule 610(f) of Regulation NMS similarly authorizes the Commission, by order, to exempt from the provisions of the rule, either unconditionally or on specified terms and conditions, any person, security, quotations, orders, or fees, or any class or classes of persons, securities, quotations, orders, or fees, if the Commission determines that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.²² Rule 612(d) of Regulation NMS also authorizes the Commission, by order, to exempt from the provisions of the rule, either unconditionally or on specified terms and conditions, any person, security, quotation, or order, or any class or classes of persons, securities, quotations, or orders, if the Commission determines that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.²³

a. Rules 600(b)(89)(i)(F), 610(c), and 612 of Regulation NMS

Because of the D.C. Circuit's denial of the petition for review, and in anticipation of the end of the partial stay, the Commission is providing temporary exemptive relief pursuant to section 36(a)(1) of the Exchange Act²⁴ and Rules 610(f)²⁵ and 612(d)²⁶ of Regulation NMS to provide time to allow affected entities to come into compliance. The Commission is providing temporary exemptive relief until the first business day of November 2026: (1) pursuant to section 36(a)(1) of the Exchange Act and Rule 610(f) of Regulation NMS, trading centers²⁷ from complying with Rule 610(c), as amended in the Adopting Release; (2) pursuant to section 36(a)(1) of the Exchange Act and Rule 612(d) of Regulation NMS, national securities exchanges, national securities associations, alternative trading systems, brokers and dealers, from complying with Rule 612 as amended in the Adopting Release; and (3) pursuant to section 36(a)(1) of the Exchange Act, primary listing exchanges and

applicable plan processors from complying with Rule 600(b)(89)(i)(F) of Regulation NMS as adopted in the Adopting Release. Market participants may not have started the necessary systems changes in light of the litigation and partial stay. Accordingly, temporary exemptive relief from the compliance date for these rules is necessary to provide relevant market participants with time to make the necessary systems changes and comply with regulatory requirements discussed below. The exemption until the first business day of November 2026 is consistent with the protection of investors because it will provide sufficient time for facilitating an orderly transition to the new and amended rules.

In the Adopting Release, the Commission considered the systems changes necessary to implement the amendments to Rules 600(b)(89)(i)(F) and 612²⁸ and considered the date by which the Time Weighted Average Quoted Spread²⁹ can be calculated during an Evaluation Period.³⁰ In addition, the Commission adopted a compliance date for the amendments to Rule 610 to coincide with the compliance date for Rules 600(b)(89)(i)(F) and 612. The Commission also stated that the exchanges will have to file proposed rule changes pursuant to section 19(b) of the Exchange Act³¹ and Rule 19b-4³² thereunder to amend their fee schedules to reflect the lower access fee caps.³³ In determining the temporary exemptive relief from the compliance date, the Commission has considered the systems changes necessary to implement the new minimum pricing increment, including the minimum pricing increment indicator, and the rule filing requirements under section 19(b) of the Exchange Act and Rule 19b-4 thereunder for implementing the amended access fee caps.

b. Rule 610(d) of Regulation NMS

As discussed above, Rule 610(d) of Regulation NMS, which prohibits exchanges from imposing, or permitting to be imposed, any fee, rebate or other remuneration for the execution of an order in an NMS stock that cannot be determined at the time of execution,³⁴ has a compliance date of the first business day of November 2025, *i.e.*, November 3, 2025. In the Adopting

Release, the Commission stated that national securities exchanges will have to file proposed rule changes pursuant to section 19(b) of the Exchange Act and Rule 19b-4 thereunder to adjust any fee or rebate that is not determinable at the time of execution.³⁵

Effective October 1, 2025 and until further notice, due to a lapse in appropriations, the Commission is operating in accordance with its plan for operating during a shutdown.³⁶ While the Electronic Form Filing System ("EFFS") for self-regulatory organization ("SRO") proposed rule changes remains functional and able to accept submissions,³⁷ under Rule 19b-4, any day on which the Commission is not open for regular business as a result of a lapse in appropriations (or for certain other reasons) is not a "business day" as that term is used in section 19 of the Exchange Act and Rule 19b-4 thereunder.³⁸ As a result, any SRO proposed rule change submitted through EFFS on a day on which the Commission is not open for regular business will have as its filing date the next business day after the Commission opens for regular business (*e.g.*, the next business day after a shutdown has ended).

Due to the current lapse in appropriations, the exchanges' proposed rule changes required to adjust their fee schedules to comply with the requirements of Rule 610(d)³⁹ may not be considered filed by November 3, 2025. Since the filing date for any proposed rule changes needed to comply with Rule 610(d) is currently uncertain, the Commission is providing additional time for national securities exchanges to comply with Rule 610(d). Accordingly, pursuant to section 36(a)(1) of the Exchange Act⁴⁰ and Rule 610(f) of Regulation NMS,⁴¹ the Commission is providing temporary exemptive relief from the compliance date for Rule 610(d) of Regulation NMS

²¹ See Adopting Release, *supra* note 1 at 81680.

²² See SEC Operational Status, available at <https://www.sec.gov> (stating "[d]ue to a lapse in appropriations, the SEC is currently operating in accordance with the agency's plan for operating during a shutdown. Effective Wednesday, October 1, 2025 and until further notice, the agency will have a very limited number of staff members available.") (last accessed Oct. 23, 2025).

²³ See SEC Announcement, Division of Trading and Markets Actions During Government Shutdown, available at <https://www.sec.gov/newsroom/whats-new/division-trading-markets-actions-during-government-shutdown-october-2025> (last reviewed or updated: Sept. 30, 2025).

²⁴ 17 CFR 240.19b-4(b)(2).

²⁵ 17 CFR 242.610(d).

²⁶ 15 U.S.C. 78mm(a)(1).

²⁷ 17 CFR 242.610(f).

²¹ 15 U.S.C. 78mm(a)(1).

²² 17 CFR 242.610(f).

²³ 17 CFR 242.612(d).

²⁴ 15 U.S.C. 78mm(a)(1).

²⁵ 17 CFR 242.610(f).

²⁶ 17 CFR 242.612(d).

²⁷ 17 CFR 242.600(b)(106).

²⁸ See Adopting Release, *supra* note 1 at 81680.

²⁹ 17 CFR 242.612(a)(2).

³⁰ 17 CFR 242.612(a)(1). See Adopting Release, *supra* note 1 at 81680.

³¹ 15 U.S.C. 78s.

³² 17 CFR 240.19b-4.

³³ See Adopting Release, *supra* note 1 at 81680.

³⁴ 17 CFR 242.610(d).

until the first business day of February 2026.

The exemption for exchanges from the requirement that their fees and rebates be determinable at the time of execution as required by Rule 610(d) of Regulation NMS is necessary because the exchanges are unable to file the required proposed rule changes to amend their fee schedules to comply with Rule 610(d) due to the lapse in appropriations. The exemption is consistent with the protection of investors because it will ensure that proposed changes to exchange fee schedules are filed in a manner that is consistent with section 19 of the Exchange Act and Rule 19b–4 thereunder.

c. Round Lot Implementation

As discussed above, the implementation of the round lot definition as set forth in Rule 600(b)(93) of Regulation NMS is required to be completed on the first business day of November 2025, *i.e.*, November 3, 2025. The Commission understands that market participants have been preparing for this implementation and will be prepared to implement the new round lot definition as required on November 3, 2025.⁴²

In the Adopting Release, the Commission stated that it calculated the round lot compliance date based on two main factors—the systems changes and testing that would be necessary to implement the round lot definition and the time exchanges may need to amend any exchange rules to reflect the new round lot definition. Although the Commission understands that market participants are prepared to implement the round lot definition on November 3, 2025, as required, the Commission also understands that certain exchanges may not have been able to file proposed rule changes pursuant to section 19(b) of the Exchange Act and Rule 19b–4 thereunder to amend their round lot definitions that are reflected in exchange rules prior to the lapse in appropriations.

Therefore, pursuant to section 36(a)(1) of the Exchange Act,⁴³ the Commission is providing temporary exemptive relief to exchanges from the requirement to file proposed rule changes to amend

their rules to reflect the round lot definition in Rule 600(b)(93) of Regulation NMS until 30 calendar days following the end of the lapse of appropriations. The exemption is appropriate because the proposed rule changes needed to reflect the new round lot definition may not be considered filed by November 3, 2025, due to the lapse in appropriations. The exemption is consistent with the protection of investors because it provides investors with notice that exchange rules may not reflect the round lot definition required under Rule 600(b)(93) of Regulation NMS and that exchange rules will be updated shortly after the lapse in appropriations ends to the extent necessary.

III. Conclusion

Accordingly, *it is hereby ordered*, pursuant to Rules 610(f) and 612(d) of Regulation NMS and section 36(a)(1) of the Exchange Act, that the Commission grants exemptive relief, as set forth in this order, from compliance with Rules 600(b)(89)(i)(F), 610(c), and 612, as amended in the Adopting Release until the first business day of November 2026.

It is further ordered, pursuant to section 36(a)(1) of the Exchange Act and Rule 610(f) of Regulation NMS, that the Commission grants exemptive relief as set forth in this order, from compliance with Rule 610(d) of Regulation NMS until the first business day of February 2026.

It is further ordered, pursuant to section 36(a)(1) of the Exchange Act, that the Commission grants exemptive relief as set forth in this order, from compliance with the requirement of exchanges to file proposed rule changes to amend exchange rules to reflect the round lot definition as set forth in Rule 600(b)(93) of Regulation NMS until 30 calendar days following the end of the lapse in appropriations.

By the Commission.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2025–19926 Filed 11–14–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104175; File No. SR–CboeBZX–2025–096]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the BondBlox Private Credit Trust Under BZX Rule 14.11(f), Trust Issued Receipts

November 6, 2025.

I. Introduction

On July 25, 2025, Cboe BZX Exchange, Inc. (“BZX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b–4 thereunder,² a proposed rule change to list and trade shares (“Shares”) of the BondBlox Private Credit Trust (“Trust”) under BZX Rule 14.11(f). The proposed rule change was published for comment in the **Federal Register** on August 12, 2025.³

On September 22, 2025, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ This order institutes proceedings under Section 19(b)(2)(B) of the Act⁶ to determine whether to disapprove the proposed rule change.

II. Description of the Proposed Rule Change⁷

As described in the Notice, the Exchange proposes to list and trade

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 103654 (Aug. 7, 2025), 90 FR 38849 (“Notice”). While the Commission is currently “accepting” comments, in that we will not prevent the submission of letters via the usual methods (webform, email, or mail), the Commission will not be posting them until after the resumption of duties. Please note that there may be a delay in the public availability of comments after the resumption of duties; comments will be treated as if received on the original submission date.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 104017, 90 FR 46276 (Sept. 25, 2025) (designating November 10, 2025, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change).

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ Additional information regarding the Trust and the Shares can be found in the Notice, *supra* note 3.

⁴² See *e.g.*, CTA Plan Announcements available at <https://www.ctaplan.com/announcements#110000952157>; Equity Trader Alert #2025–76, Nasdaq Reporting Updates for SEC Round Lot Changes available at <https://www.nasdaqtrader.com/TraderNews.aspx?id=ETA2025-76>; and NYSE Group: Changes to Round Lots and Tier Calculations effective Nov. 3, 2025 available at <https://www.nyse.com/trader-update/history#110000951664>.

⁴³ 15 U.S.C. 78mm(a)(1).

Shares of the Trust⁸ under BZX Rule 14.11(f)(4), which governs the listing and trading of Trust Issued Receipts⁹ on the Exchange. According to the Exchange, the Trust seeks to provide risk-adjusted returns primarily through distributions of current income from the Trust's portfolio.¹⁰

Description of the Trust

BondBloxx Investment Management Corporation ("Advisor") is the advisor to the Trust and is responsible for the overall management of the Trust's business activities. HCG Fund Management LP ("Sub-Advisor") is responsible for the day-to-day management of the Trust's private credit assets. Brown Brothers Harriman & Co. serves as the administrator, custodian, and the transfer agent. CSC Delaware Trust Company, a Delaware trust company, is the sole trustee of the Trust.

According to the Exchange, the Trust intends to achieve its investment objective by constructing a diversified portfolio of consumer and small business private credit assets.¹¹ The Exchange states the Trust intends to target primarily whole loans that the Advisor believes will offer stable and predictable cash flows.¹² The Trust generally intends to focus on loans that have short and medium terms (e.g., less than 60 months) which, through

principal amortization, tend to have low duration (e.g., less than 30 months).¹³

Investable Instruments and Trust Liquidity

The Exchange states the Trust intends to hold the following instruments: personal installment loans, small business loans, student loans, point of sale loans, and asset backed securities that are backed by such loans (collectively "Private Credit Assets"), investment grade bonds, U.S. Treasuries, shares of certain exchange traded funds that invest in U.S. Treasuries or other short-term, interest bearing assets and cash and cash equivalents,¹⁴ including funds of an affiliated Trust for which the Advisor acts as the investment adviser.¹⁵

According to the Exchange, there is limited sell-side liquidity available in the market for Private Credit Assets.¹⁶ As such, the Advisor is proposing to utilize the following strategy to facilitate redemptions in the Trust:

1. The Trust will maintain a portion of the portfolio in cash and cash equivalents ("Liquidity Sleeve"). Under normal circumstances, the Trust expects to hold approximately 20% of the portfolio in these liquid assets. According to the Exchange, the Advisor expects that it will generally be able to fulfill redemption orders using this position.¹⁷ The Advisor may also strategically increase the size of the Liquidity Sleeve in order to better facilitate anticipated redemptions by retaining, rather than distributing the paydowns from Private Credit Assets as further described below.

2. The remaining 80% of the Trust's holdings will consist of Private Credit Assets. The Exchange states these are short duration, high yielding products that are underwritten to pay a weighted average of 8% of the total Trust assets under management ("AUM") per month or 10% of the private credit AUM per month.¹⁸ The underwritten yields are currently 10% and at origination typically have an underwritten average duration limit of 3 years, with a target for the initial portfolio of less than 1

year.¹⁹ The monthly cash flows, which are received throughout the month, may be reinvested to the extent necessary to maintain the approximate 20/80 allocation between the Liquidity Sleeve and Private Credit Assets described above.²⁰ The Trust will consider the current level of the Liquidity Sleeve, among other factors, in determining its distribution policy, and may determine to use accumulated cash received from payments of interest and principal on its Private Credit Assets as well as cash proceeds from loan repayments to replenish or increase the Liquidity Sleeve before distributing such amounts to shareholders.²¹

3. Further, according to the Exchange, in the event that the cash and cash equivalents required to accommodate a series of redemptions or a single large redemption approaches the size of the Trust's Liquidity Sleeve, the Trust may:

- a. Sell Private Credit Assets in the secondary market to raise cash;
- b. Arrange a line of credit or other financing facility with a bank or broker dealer, using the portfolio of Private Credit Assets as collateral.²²

The Exchange states these options will likely come at a cost to the Trust or may not be available to the Trust depending on market conditions.²³

4. In the event that items 1–3 above do not provide sufficient cash and cash equivalents to the Liquidity Sleeve to accommodate redemptions in the Trust, the Exchange states redemptions may be suspended until the Trust accumulates enough cash to facilitate additional redemptions, which the Advisor does not expect to last for longer than approximately 2.5 months.²⁴ In the event that the Advisor implements a restriction on redemptions, the Shares on the secondary market may trade at deep discount.²⁵ According to the Exchange, the discount could potentially serve to prompt investors to buy shares and potentially trigger primary market activity.²⁶

According to the Exchange, the Advisor believes that the liquidity strategy laid out above will be sufficient to address concerns that may arise from the relative illiquidity of the secondary market for selling Private Credit Assets.²⁷ Specifically, the Advisor believes that the 20% Liquidity Sleeve (with the flexibility to increase the

⁸ The Trust has filed an amended registration statement on Form S-1 under the Securities Act of 1933, dated May 21, 2025 (File No. 333-283852) ("Registration Statement"). The description of the Trust and the Shares contained herein is based on the Registration Statement. The Exchange states the Registration Statement for the Trust is not yet effective, and the Trust will not trade on the Exchange until such time that the Registration Statement is effective. See Notice, *supra* note 3, 90 FR at 38850, n. 5.

⁹ Rule 14.11(f)(4) applies to Trust Issued Receipts that invest in "Investment Shares" or "Financial Instruments." The term "Investment Shares," as defined in Rule 14.11(f)(4)(A)(i), means a security (a) that is issued by a trust, partnership, commodity pool or other similar entity that invests in any combination of futures contracts, options on futures contracts, forward contracts, commodities, swaps or high credit quality short-term fixed income securities or other securities; and (b) issued and redeemed daily at net asset value in amounts correlating to the number of receipts created and redeemed in a specified aggregate minimum number. The term "Financial Instruments," as defined in Rule 14.11(f)(4)(A)(iv), means any combination of investments, including cash; securities; options on securities and indices; futures contracts; options on futures contracts; forward contracts; equity caps, collars and floors; and swap agreements.

¹⁰ The Exchange states the Trust intends to operate its business so that it is falls outside of the definition of an investment company under the Investment Company Act of 1940 (the "1940 Act"). See Notice, *supra* note 3, 90 FR at 38850, n. 6.

¹¹ See Notice, *supra* note 3, 90 FR at 38850.

¹² See *id.*

¹³ See *id.*

¹⁴ Cash equivalents are short-term instruments with maturities of less than 3 months, specifically including U.S. Government securities, certificates of deposit, bankers' acceptances, repurchase and reverse repurchase agreements, bank time deposits, commercial paper, and money market funds. This definition is consistent with the definition of cash and cash equivalents in Exchange Rule 14.11(i)(4)(C)(iii).

¹⁵ See Notice, *supra* note 3, 90 FR at 38850.

¹⁶ See *id.*

¹⁷ See Notice, *supra* note 3, 90 FR at 38851.

¹⁸ See *id.*

¹⁹ See *id.*

²⁰ See *id.*

²¹ See *id.*

²² See *id.*

²³ See *id.*

²⁴ See *id.*

²⁵ See *id.*

²⁶ See *id.*

²⁷ See *id.*

sleeve during times of potentially high redemptions) will provide the Trust with sufficient liquidity to manage redemptions under the vast majority of market conditions.²⁸ Additionally, because the Trust will target shorter duration loans that are underwritten to generate cash payments of interest and principal amortization of approximately 8% of the Trust's AUM per month, even in the event that the Trust's Liquidity Sleeve is exhausted, it is expected to be replenished by the cash payments generated by the Private Credit Assets.²⁹ In the event that the cash generated by the Private Credit Assets is insufficient to satisfy incoming redemptions the Trust would then have the ability to facilitate additional redemptions by selling certain of the Private Credit Assets and/or using the Private Credit Assets as collateral for a cash loan from a bank or broker dealer.³⁰ According to the Exchange, in a worst case scenario, the Trust would temporarily suspend redemptions.³¹ However, the Exchange states the Advisor does not expect such a suspension to last for longer than approximately 2.5 months because of the cash expected to be generated by the Private Credit Assets.³²

In addition to the specific liquidity strategy described above, the Exchange states that the small size of loans sourced through Fintech lending platforms will enable the Trust to hold a portfolio that is diversified by sector, source, vintage, count and geography, which will help to manage idiosyncratic risk and ensure a diverse universe of lenders.³³ The Exchange states the small loan size means that the Trust will need to hold a significant number of Private Credit Assets, further ensuring diversity and minimizing the risk that any single Private Credit Assets would have on the portfolio.³⁴ Finally, the Exchange states the Advisor believes that the cash yields and short duration through regular principal amortization will, in addition to enhancing the liquidity of the Trust, help manage volatility of returns.³⁵

Availability of Information

According to the Exchange, the net asset value ("NAV") for the Trust will be calculated by an independent third party once each business day and will be disseminated daily to all market

participants at the same time.³⁶ Pricing information will be available on the Advisor's website including: (1) the prior business day's reported NAV, the closing market price or the bid/ask price, daily trading volume, and a calculation of the premium and discount of the closing market price or bid/ask price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily closing price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. The Trust will also disclose its portfolio holdings on a daily basis on its website. The aforementioned information will be published as of the close of business and available on the Advisor's website at www.bondbloxxtf.com.³⁷

According to the Exchange, the Trust generally values its assets using market quotations when they are readily available.³⁸ However, according to the Exchange, whole loans, asset backed securities and certain other types of private credit assets that the Trust may hold may not have readily available market quotations.³⁹ In accordance with the Advisor's valuation policies and procedures, the Sub-Advisor will fair value the Trust's private credit assets based on a discounted cash flow ("DCF") analysis of the loan portfolio's expected future net cash flows over the lifetime of the loan, discounted by the expected return.⁴⁰ Further, in accordance with the valuation policy and procedures, an independent third-party pricing service will provide the inputs for the DCF model, including daily loan tapes (e.g., loan balances, payment history, interest rates, and FICO scores) along with forward outlook on the portfolio (e.g., loss expectation).⁴¹ Additionally, the model may incorporate any publicly available information such as pricing from recent deals or information specific to the Fintech lending platform.⁴² The model will be updated for daily changes to reflect any new information regarding

the borrower or loan.⁴³ Further, daily cash balances will reflect ending account balances per the Trust's bank account; interest receivable will reflect accrued interest balances for the loan portfolio per the loan servicer's statement; and prepaid and other assets will reflect ending accrued balances per the general ledger.⁴⁴ According to the Exchange, the Sub-Advisor will review for reasonableness the fair values of the private credit assets provided by the independent third-party pricing services.⁴⁵

Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the Consolidated Tape Association. Pricing information regarding cash equivalents in which the Trust will invest is generally available through nationally recognized data services providers, such as Reuters and Bloomberg, through subscription agreements.⁴⁶

The Exchange states the Intraday Indicative Value ("IIV") will be updated during Regular Trading Hours to reflect changes in the value of the Trust's holdings during the trading day.⁴⁷ The IIV disseminated during Regular Trading Hours should not be viewed as an actual real-time update of the NAV, which will be calculated only once at the end of each trading day.⁴⁸ The IIV will be updated every 15 seconds, as calculated by the Exchange or a third-party financial data provider during the Exchange's Regular Trading Hours (9:30 a.m. to 4 p.m. Eastern time).

III. Proceedings To Determine Whether To Approve or Disapprove SR-ChoeBZX-2025-096 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act⁴⁹ to determine whether the proposed rule change should be approved or disapproved. Institution of such 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 any of the

⁴³ See *id.*

⁴⁴ See *id.*

⁴⁵ See *id.* According to the Exchange, "fair value calculations will involve significant professional judgment in the application of both observable and unobservable attributes, and as a result, the calculated NAV of the Trust's assets may differ from their actual realizable value or future fair value." *Id.*

⁴⁶ See *id.*

⁴⁷ See *id.*

⁴⁸ See *id.*

⁴⁹ 15 U.S.C. 78s(b)(2)(B).

³⁶ See *id.* NAV means the total assets of the Trust including, but not limited to, all cash and cash equivalents and private credit assets, less any liabilities, divided by the total number of Shares outstanding. The Trust's NAV is generally calculated at 4 p.m. ET. See Notice, *supra* note 3, 90 FR at 38851, n. 9.

³⁷ See Notice, *supra* note 3, 90 FR at 38852.

³⁸ See *id.*

³⁹ See *id.*

⁴⁰ See *id.* According to the Exchange, the difference between the calculated net present value and carrying value of the loan portfolio reflects the valuation adjustment that will be updated daily. See *id.*

⁴¹ See *id.*

⁴² See *id.*

²⁸ See *id.*

²⁹ See *id.*

³⁰ See *id.*

³¹ See *id.*

³² See *id.*

³³ See *id.*

³⁴ See *id.*

³⁵ See *id.*

issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,⁵⁰ the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposal's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be "designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade," and "to protect investors and the public interest."⁵¹

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on the following questions and asks commenters to submit data where appropriate to support their views:

1. What are commenters' views generally with respect to the liquidity and transparency of the markets for Private Credit Assets? What sources of reliable pricing information (both intraday and end-of-day) are available for the Private Credit Assets? Are such sources of reliable pricing information generally available to investors? Do the answers to these questions depend upon the type of Private Credit Asset?

2. What are commenters' views on whether the proposal would maintain alignment between intraday trading prices of the Shares and the contemporaneous value of the underlying portfolio? Will the proposed allocation of the Trust's holdings, including the liquidity strategy described by the Exchange,⁵² facilitate alignment of the secondary market prices of the Shares with the value of the Trust's underlying portfolio? Why or why not? Will authorized participants and market makers have sufficient information to value the Trust's underlying portfolio and facilitate creation/redemption or trading in the Shares, respectively? Why or why not?

3. Given the nature of the underlying assets held by the Trust, what are commenters' views on whether the proposed Trust and Shares would be susceptible to manipulation? What are commenters' views generally on whether the Exchange's proposal is designed to prevent fraudulent and manipulative acts and practices?

IV. Procedure: 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 proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations 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.⁵³

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by December 8, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by December 22, 2025.

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-2025-096 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

⁵³ Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94-29 (June 4, 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, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeBZX-2025-096. 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-2025-096 and should be submitted on or before December 8, 2025. Rebuttal comments should be submitted by December 22, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁴

Vanessa A. Countryman,

Secretary.

[FR Doc. 2025-19912 Filed 11-14-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, November 20, 2025.

PLACE: The meeting will be held via remote means and at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time,

⁵⁴ 17 CFR 200.30-3(a)(57).

⁵⁰ *Id.*

⁵¹ 15 U.S.C. 78f(b)(5).

⁵² See *supra* notes 16-26 and accompanying text.

date, and/or place of the meeting will be posted on the Commission's website at <https://www.sec.gov>.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION:

For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551-5400.

Authority: 5 U.S.C. 552b.

Dated: November 13, 2025.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2025-19978 Filed 11-13-25; 4:15 pm]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104173; File Nos. SR-BSECC-2025-001; BX-2025-024; CboeEDGX-2025-072; CboeBZX-2025-059; CboeBZX-2025-069; CboeBZX-2025-141; CBOE-2025-068; CBOE-2025-069; CBOE-2025-074; CBOE-2025-075; CBOE-2025-076; CBOE-2025-077; CBOE-2025-078; CBOE-2025-079; CBOE-2025-080; FICC-2025-021; GEMX-2025-27; ISE-2025-15; ISE-2025-30; ISE-2025-31; LCH SA-2025-008; MSRB-2025-02; MRX-2025-23; NASDAQ-2025-037; NASDAQ-2025-072; NASDAQ-2025-080; NASDAQ-2025-085; OCC-2025-017; OCC-2025-018; PHLX-2025-50; PHLX-2025-56; SCCP-2025-01]

Self-Regulatory Organizations; Boston Stock Exchange Clearing Corporation, Cboe Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGX Exchange, Inc., Fixed Income Clearing Corporation, LCH SA, Municipal Securities Rulemaking Board, The Nasdaq Stock Market LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The Options Clearing Corporation, Stock Clearing Corporation of Philadelphia; Notice of Designation of a Longer Period for Commission Action on Pending Proposed Rule Changes and on Proceedings To Determine Whether To Approve or Disapprove Pending Proposed Rule Changes

November 3, 2025.

I. Extensions to Day 90

On the dates listed in Table 1 below, the following self-regulatory organizations (collectively, the "SROs") filed with the Securities and Exchange

Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² proposed rule changes to amend their rules pertaining to various matters described in Table 1. Some of the proposed rule changes were published for comment in the **Federal Register** on the dates indicated below. Section 19(b)(2) of the Act³ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved.

The filings identified in Table 1 below have as their 45th day after publication of the notice ("Day 45") a date that falls within the month of November 2025. The Commission is extending these 45-day time periods. The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule changes so that it has sufficient time to consider the proposed rule changes and the issues raised therein.⁴ Accordingly, pursuant to Section 19(b)(2) of the Act,⁵ the Commission designates the dates listed in Table 1 below ("Day 90") as the dates by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the respective filings.

TABLE 1

File No.	Description	Federal Register notice publication	Day 45	Day 90
1. LCH SA-2025-008	Revisions to its Terms of Reference of the Nomination Committee and Board of Directors.	34-103975 (Sept. 16, 2025), 90 FR 45288 (Sept. 19, 2025).	Nov. 3	Dec. 18.
2. NASDAQ-2025-072	Enable the trading of securities on the Exchange in tokenized form.	34-103989 (Sept. 16, 2025), 90 FR 45426 (Sept. 22, 2025).	Nov. 6	Dec. 21.
3. CBOE-2025-068	Permit p.m.-settled options on the Cboe Magnificent 10 Index.	34-104019 (Sept. 23, 2025), 90 FR 46424 (Sept. 26, 2025).	Nov. 10	Dec. 25.
4. PHLX-2025-50	List and trade Nasdaq Bitcoin Index Options	34-104038 (Sept. 24, 2025), 90 FR 46706 (Sept. 29, 2025).	Nov. 13	Dec. 28.
5. FICC-2025-021	Modify the GSD Rulebook relating to a new service offering called the ACS Triparty Service.	34-104084 (Sept. 26, 2025), 90 FR 47045 (Sept. 30, 2025).	Nov. 14	Dec. 29.
6. CBOE-2025-077	Position and exercise limits for options on ARK 21Shares Bitcoin ETF.	Sept. 30 ¹	Nov. 14	Dec. 29.
7. CBOE-2025-078	Amend Rule 4.3 (options on Units that represent interests in several exchange-traded products).	Sept. 30 ¹	Nov. 14	Dec. 29.
8. CBOE-2025-076	Position and exercise limits for options on the Fidelity Wise Origin Bitcoin Fund and to permit Flexible Exchange Options on the Fidelity Fund.	Sept. 30 ¹	Nov. 14	Dec. 29.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(2).

⁴ Due to a lapse in appropriations, the Commission closed on October 1, 2025 and remains

closed as of the date of this release. See SEC Operational Status, available at <https://www.sec.gov> (stating "[d]ue to a lapse in appropriations, the SEC is currently operating in accordance with the agency's plan for operating during a shutdown. Effective Wednesday, October 1, 2025 and until

further notice, the agency will have a very limited number of staff members available.") (last accessed Oct. 23, 2025).

⁵ 15 U.S.C. 78s(b)(2).

TABLE 1—Continued

File No.	Description	Federal Register notice publication	Day 45	Day 90
9. CBOE–2025–080	Position and exercise limits for options on the Fidelity Ethereum Fund and to permit Flexible Exchange Options on the Fidelity Fund.	Sept. 30 ¹	Nov. 14	Dec. 29.
10. CBOE–2025–069	Change the minimum increment for options on the Cboe Magnificent 10 Index.	34–104076 (Sept. 25, 2025), 90 FR 47000 (Sept. 30, 2025).	Nov. 14	Dec. 29.
11. ISE–2025–30	Adopt listing criteria for options on a Commodity-Based Trust that holds multiple crypto assets.	34–104107 (Sept. 26, 2025), 90 FR 47456 (Oct. 1, 2025).	Nov. 15	Dec. 30.
12. OCC–2025–017	Adjustments to cleared contracts	34–104104 (Sept. 26, 2025), 90 FR 47470 (Oct. 1, 2025).	Nov. 15	Dec. 30.
13. OCC–2025–018	Methodology to allocate Clearing Fund deposit requirements among Clearing Members to better align the allocation with the sizing of the Clearing Fund so stress based risk is fairly allotted to market participants that expose OCC to such stress risk.	34–104111 (Sept. 26, 2025), 90 FR 47383 (Oct. 1, 2025).	Nov. 15	Dec. 30.
14. NASDAQ–2025–080	Amended and Restated Certificate of Incorporation and By-Laws of its Parent Corporation, Nasdaq, Inc.	34–104108 (Sept. 26, 2025), 90 FR 47418 (Oct. 1, 2025).	Nov. 15	Dec. 30.
15. ISE–2025–31	Amended and Restated Certificate of Incorporation and By-Laws of its Parent Corporation, Nasdaq, Inc.	34–104115 (Sept. 29, 2025), 90 FR 47461 (Oct. 1, 2025).	Nov. 15	Dec. 30.
16. PHLX–2025–56	Amended and Restated Certificate of Incorporation and By-Laws of its Parent Corporation, Nasdaq, Inc.	34–104109 (Sept. 26, 2025), 90 FR 47401 (Oct. 1, 2025).	Nov. 15	Dec. 30.
17. BX–2025–024	Amended and Restated Certificate of Incorporation and By-Laws of its Parent Corporation, Nasdaq, Inc.	34–104110 (Sept. 26, 2025), 90 FR 47428 (Oct. 1, 2025).	Nov. 15	Dec. 30.
18. GEMX–2025–27	Amended and Restated Certificate of Incorporation and By-Laws of its Parent Corporation, Nasdaq, Inc.	34–104118 (Sept. 29, 2025), 90 FR 47444 (Oct. 1, 2025).	Nov. 15	Dec. 30.
19. MRX–2025–23	Amended and Restated Certificate of Incorporation and By-Laws of its Parent Corporation, Nasdaq, Inc.	34–104120 (Sept. 29, 2025), 90 FR 47373 (Oct. 1, 2025).	Nov. 15	Dec. 30.
20. NASDAQ–2025–085	List and Trade Shares of iShares Bitcoin Premium Income ETF.	34–104148 (Sept. 30, 2025), 90 FR 47846 (Oct. 2, 2025).	Nov. 16	Dec. 31.
21. SCCP–2025–01	Amended and Restated Certificate of Incorporation and By-Laws of its Parent Corporation, Nasdaq, Inc.	34–104155 (Sept. 30, 2025), 90 FR 48062 (Oct. 3, 2025).	Nov. 17	Jan. 1, 2026.
22. BSECC–2025–001	Amended and Restated Certificate of Incorporation and By-Laws of its Parent Corporation, Nasdaq, Inc.	34–104156 (Sept. 30, 2025), 90 FR 48073 (Oct. 3, 2025).	Nov. 17	Jan. 1, 2026.
23. CboeBZX–2025–141	List and trade shares of the GraniteShares 4x Long Russell 1000 Daily ETF and the GraniteShares 4x Short Russell 1000 Daily ETF, each a series of GraniteShares ETP Trust.	34–104161 (Sept. 30, 2025), 90 FR 48107 (Oct. 3, 2025).	Nov. 17	Jan. 1, 2026.
24. CboeEDGX–2025–072 ..	Adopt a Retail Price Improvement Program and describe the behavior of orders containing a non-displayed instruction.	34–104153 (Sept. 30, 2025), 90 FR 48098 (Oct. 3, 2025).	Nov. 17	Jan. 1, 2026.
25. CBOE–2025–074	Amend functionality relating to the processing of auction responses.	34–104159 (Sept. 30, 2025), 90 FR 48094 (Oct. 3, 2025).	Nov. 17	Jan. 1, 2026.
26. CBOE–2025–075	Amend Rule 5.4 (change the minimum increment for all series of options on the Cboe Mini Bitcoin U.S. ETF Index).	34–104157 (Sept. 30, 2025), 90 FR 48071 (Oct. 3, 2025).	Nov. 17	Jan. 1, 2026.
27. CBOE–2025–079	Amend Rule 5.1(c) (Global Trading Hours) to allow for trading of multi-listed equity options that meet certain eligibility criteria.	34–104160 (Sept. 30, 2025), 90 FR 48091 (Oct. 3, 2025).	Nov. 17	Jan. 1, 2026.
28. MSRB–2025–02	Amend MSRB Rules A–11 and A–13 pursuant to a multi-year rate card and related technical amendments.	34–104154 (Sept. 30, 2025), 90 FR 48082 (Oct. 3, 2025).	Nov. 17	Jan. 1, 2026.

¹ Filed with the Commission on September 30, 2025, but not sent to the **Federal Register** for publication before the Commission closed on October 1. Pursuant to Section 19(b)(2)(E) of the Act, if, after an SRO files a proposed rule change and posts it on its publicly accessible website, the Commission does not send the notice of the proposal to the **Federal Register** within 15 days of the date on which such website publication is made, then the date of publication of the proposal shall be deemed to be the date on which such website publication was made. See 15 U.S.C. 78(b)(2)(E).

II. Extensions to Day 240

The Commission initiated proceedings under Section 19(b)(2)(B) of the Act⁶ by issuing orders instituting proceedings (“OIPs”) on certain proposed rule changes identified below in Table 2, to determine whether to approve or disapprove them. Section 19(b)(2) of the Act⁷ provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of

publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination.

The filings identified in Table 2 below have as their 180th day after publication of the notice (“Day 180”) a date that falls within the month of November 2025. The Commission is extending consideration of each of these proceedings for an additional 60 days.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving each proposed rule change so that it has sufficient time to consider each proposed rule change and the issues raised therein.⁸ Accordingly, pursuant to Section 19(b)(2) of the Act,⁹ the Commission designates the dates listed in Table 2 below (“Day 240”) as the dates by which the Commission shall either approve or disapprove the filings.

⁸ See *supra* note 4 (concerning the Commission’s operating status).

⁹ 15 U.S.C. 78s(b)(2).

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ 15 U.S.C. 78s(b)(2).

TABLE 2

File No.	Description	Federal Register OIP Publication	Day 180	Day 240
1. CboeBZX–2025–059	2x Long VIX Futures ETF and –1x Short VIX Futures ETF.	34–103659 (Aug. 7, 2025), 90 FR 38864 (Aug. 12, 2025).	Nov. 5	Jan. 4, 2026.
2. ISE–2025–15	Amend the Short Term Option Series Program to list Qualifying Securities.	34–103658 (Aug. 7, 2025), 90 FR 38832 (Aug. 12, 2025).	Nov. 17	Jan. 16, 2026.
3. NASDAQ–2025–037	Adopt Rule 5703 to permit the generic listing and trading of Multi-Class Exchange-Traded Fund Shares.	34–103758 (Aug. 21, 2025), 90 FR 41611 (Aug. 26, 2025).	Nov. 23	Jan. 22, 2026.
4. CboeBZX–2025–069	List and trade shares of the Canary Staked TRX ETF ..	34–103772 (Aug. 25, 2025), 90 FR 42050 (Aug. 28, 2025).	Nov. 25	Jan. 24, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁰

Vanessa A. Countryman,

Secretary.

[FR Doc. 2025–19911 Filed 11–14–25; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21343 and #21344; FLORIDA Disaster Number FL–20030]

Administrative Declaration of a Disaster for the State of Florida

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Florida dated November 7, 2025.

Incident: Severe Storms and Flooding.

DATES: Issued on November 7, 2025.

Incident Period: October 26, 2025.

Physical Loan Application Deadline Date: January 6, 2026.

Economic Injury (EIDL) Loan

Application Deadline Date: August 7, 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 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: Brevard.

Contiguous Counties:

Florida: Indian River, Orange, Osceola, Seminole, Volusia.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
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
<i>For Economic Injury:</i>	
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 213436 and for economic injury is 213440.

The State which received an EIDL Declaration is Florida.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 1234.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2025–19935 Filed 11–14–25; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Cancellation and Replacement of Emergency Order Establishing Operating Limitations on the Use of Navigable Airspace

AGENCY: Federal Aviation Administration (FAA), Department of Transportation.

ACTION: Cancellation and replacement of Emergency Order Establishing Operating Limitations on the Use of Navigable Airspace.

SUMMARY: This Order cancels and replaces the November 7, 2025, Emergency Order Establishing Operating Limitations on the Use of Navigable Airspace (November 7 Emergency Order) reducing and temporarily prohibiting certain operations in the navigable airspace to ensure the safety of aircraft and the efficiency of the National Airspace System (NAS). This Order modifies the requirement of the November 7 Emergency Order to reduce operations at certain airports by 10 percent, by reducing the required reduction in operations to 6 percent. Accordingly, to maintain the highest standards of safety in the NAS, certain air carriers will be required to reduce their total daily scheduled domestic operations between 6:00 a.m. and 10:00 p.m. local at certain airports by 6 percent, subject to the provisions set forth in this Order. This Order retains other restrictions in NAS operations and reductions in available Air Traffic Organization services contained in the November 7 Emergency Order.

DATES: This action is effective at 6:00 a.m. on November 13, 2025.

ADDRESSES: If you wish to review the background documents or comments received in this proceeding, you may go to <http://www.regulations.gov> at any time and follow the online instructions for accessing the electronic docket. You may also go to the U.S. Department of Transportation's Docket Operations in Room W12–140 on the ground floor of the West Building at 1200 New Jersey

¹⁰ 17 CFR 200.30–3(a)(31) and (57).

Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Al Meilus, Slot Administration and Capacity Analysis, FAA ATO System Operations Services, AJR-G5, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267-2822; email 7-awa-slotadmin@faa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

This Order reduces or temporarily prohibits certain operations in the navigable airspace to ensure the safety of aircraft and the efficiency of the NAS. The Administrator of the FAA is issuing this Order to address safety risks and delays presented by air traffic controller staffing constraints caused by the continued lapse in appropriations. This Order takes effect at 6:00 a.m. on November 13, 2025, and will remain in effect until cancelled by the FAA.

II. Background

The U.S. Government has exclusive sovereignty over the airspace of the United States.¹ Under this broad authority, Congress has granted the Administrator extensive and plenary authority to ensure the safety of aircraft and the efficient use of the nation's navigable airspace. In this regard, the Administrator is required to develop plans and policies for the use of navigable airspace and assign by regulation or order under such terms, conditions, and limitations as he may deem necessary to ensure its safe and efficient use.² The Administrator may modify or revoke an assignment when required in the public interest.³ Furthermore, in carrying out the Administrator's safety and efficiency responsibilities under the statute, the Administrator must: (1) assign, maintain, and enhance safety and security as the highest priorities in air commerce, and (2) control the use of the navigable airspace and regulate civil operations in that airspace in the interest of the safety and efficiency of those operations.⁴

The FAA's statutory authority to ensure "the safety of aircraft" and "the

efficient use of airspace" encompasses its management of the nationwide system of air commerce and the Air Traffic Control (ATC) system. Ensuring the safe and efficient use of the airspace means that the FAA must take all necessary steps to prevent safety risks to, or situations potentially adversely affecting the overall safety of the ATC system for which the FAA is responsible.

Due to a lapse in appropriations, air traffic controllers have been working without pay since October 3, 2025. Since then, the FAA's Office of Aviation Safety (AVS) and Air Traffic Organization (ATO) have continued to review, monitor, and evaluate ATC safety. As part of this review, the FAA assessed voluntary safety reports submitted for the month of October. The reports indicated users of the system had concerns about its performance even with current mitigations in place. The FAA has also observed evidence of increased stress on the NAS in aviation safety data, particularly at 40 high traffic airports, identified in Appendix A ("High Impact Airports"). While current mitigations have managed risk, delays are increasing, and additional mitigations are now necessary.

The FAA's initial review of data indicates the system is stressed. With continued delays and unpredictable staffing shortages, which are driving fatigue, risk is further increasing, and the FAA is concerned with the system's ability to maintain the current volume of operations. Accordingly, the FAA issued the November 7 Emergency Order to provide additional mitigation.⁵ The FAA has continued to monitor safety data since issuance of the November 7 Emergency Order and, accordingly, is cancelling and replacing the November 7 Emergency Order with this Order to set the required operational reductions at 6 percent.

III. National Environmental Policy Act Categorical Exclusion

The FAA has determined that this action qualifies for categorical exclusion (CATEX) under the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) in accordance with FAA Order 1050.1G, "FAA National Environmental Policy Act Implementing Procedures," paragraph B-2.5(j). This CATEX applies to the following category of actions: "Implementation of procedures to respond to emergency air or ground safety needs, accidents, or natural events with no reasonably foreseeable long-term adverse impacts." This action is not expected to cause any

potentially significant environmental impacts, and no extraordinary circumstances exist that would preclude the use of this CATEX and require a higher level of NEPA review.

IV. Order

a. Cancellation and Replacement of November 7 Emergency Order

Accordingly, under the authority provided to the Secretary of Transportation and the FAA Administrator by 49 U.S.C. 40103, 40113, and 46105(c), it is hereby ordered that the November 7, 2025, Emergency Order Establishing Operating Limitations on the Use of Navigable Airspace is cancelled and replaced with this Order.

b. Reduction of Operations at High Impact Airports

Accordingly, with respect to flight operations at High Impact Airports, under the authority provided to the Secretary of Transportation and the FAA Administrator by 49 U.S.C. 40103, 40113, and 46105(c), it is hereby ordered that:

1. To accommodate reduced ATC services, no later than 6:00 a.m. EST on November 13, 2025, each 14 CFR part 121 and commuter or scheduled 135 air carrier operating at High Impact Airports listed in Appendix A must reduce by 6 percent its total daily scheduled domestic operations between 6:00 a.m. and 10:00 p.m. local at each airport, subject to the following provisions:

a. Reductions in operations shall be calculated by marketing code, not operating certificate, provided that the reductions for any single operating certificate may not exceed 15 percent to prevent disproportionate reductions on regional routes. For carriers that do not have a marketing code, reductions in operations shall be calculated by operating certificate.

b. The baseline for calculating reductions is the total number of currently scheduled domestic operations. This order does not require a reduction in international operations. However, a carrier may voluntarily reduce international operations at High Impact Airports and count those reductions towards the required reductions in domestic operations at that airport.

c. Beginning at 6:00 a.m. on November 13, 2025, and continuing until this Order is cancelled, each 14 CFR part 121 and commuter and scheduled 135 air carrier shall reduce scheduled domestic operations by at least 6 percent daily at each High Impact Airport.

¹ 49 U.S.C. 40103.

² 49 U.S.C. 40103(b)(1), as previously codified in 49 U.S.C. App. § 307(a). Title 49 was recodified by Public Law 103-222, 108 Stat. 745 (1994). The textual revisions were not intended to result in substantive changes to the law. The recodification stated that the words in § 307(a) "under such terms, conditions, and limitations as he may deem" were omitted as surplus. H. Rpt. 103-180 (103d Cong., 1st Sess. 1993) at 262.

³ *Id.*

⁴ 49 U.S.C. 40101(d)(1) and (4).

⁵ 90 FR 50884 (Nov. 12, 2025).

d. The FAA may modify any provision in this Order on its own, including the minimum rate at which scheduled domestic operations must be reduced, in lieu of issuing a new order. Due to the safety concerns raised by the rate of operations and the need to swiftly adjust those rates, the FAA may opt to modify the rates contained in this Order via an addendum and to notify carriers of those modifications via FAA's public website: https://www.faa.gov/newsroom/press_releases.

e. Operations shall be reduced four days in advance on a rolling schedule, with each carrier reporting its reductions in operations to the FAA daily as provided below.

f. The FAA will treat any slot as used for historic precedence or a timing as operated for the purposes of preserving the historical baseline for the next corresponding season if the carrier does not operate it in accordance with the provisions in this paragraph.

g. Each carrier subject to the provisions of this paragraph must submit a list of reduced operations to the FAA Slot Administration at 7-awa-slotadmin@faa.gov no later than November 13, 2025, and daily thereafter. Lists of reduced operations are not individually subject to approval by the FAA, but the Administrator reserves the authority to reject or direct modifications to such lists to prevent unacceptable disproportionate impacts to flight availability including regional routes and Essential Air Service and to ensure even distribution of reductions throughout the day at each airport.

h. The FAA expects that carriers work cooperatively to achieve ratable and evenly distributed reductions throughout the day that do not have disproportionate impacts on communities or specific hours of the day. If carriers are unable to do so, the FAA may direct cancellations on a more prescriptive basis.

i. The FAA has consulted with the Department of Justice, Antitrust Division (DOJ). Consistent with these discussions, the DOJ and FAA advise that antitrust counsel for the air carriers be present for all competitor communications given the unusual, emergency circumstances involved. Based on the temporary nature of these reductions, the presence of respective antitrust counsel for all affected air carriers, the limited nature of the cooperation authorized, and the exigent safety need to reduce stress on the NAS, the DOJ stated that it "is not presently inclined to initiate antitrust enforcement action against any carrier's actions taken to comply with the FAA

Emergency Order."⁶ This understanding does not authorize cooperation between carriers on scheduling, except as it relates to the temporary reductions in operations directed by this order, or pricing matters. Moreover, the DOJ reserved the right to bring an enforcement action against any conduct that violates the antitrust laws.

j. Carriers must not engage in unfair, deceptive, or anticompetitive practices regarding their slot usage, leasing agreements, or operations.

2. When staffing trigger reports happen at High Impact Airports, a dual Airspace Flow Program strategy may be implemented for general aviation and commercial traffic. In addition, for the duration of this order, general aviation operations may also be reduced by up to 10 percent at High Impact Airports, including TEB, HOU, and DAL.

3. Operators of general aviation 14 CFR part 91 aircraft, non-scheduled 14 CFR part 135 aircraft, and 14 CFR part 380 public charter aircraft conducting domestic operations are prohibited from operating at the airports listed in Appendix B except for 14 CFR 121 aircraft; helicopters; aircraft based at the airport in question; aircraft conducting emergency, medical, law enforcement, firefighting, or military operations; or aircraft otherwise authorized by the Air Traffic Control System Command Center.

4. The FAA may enforce this Order through an enforcement action seeking a civil penalty under 49 U.S.C. 46301(a). A carrier that is not a small business as defined in the Small Business Act, 15 U.S.C. 632, will be liable for a civil penalty of up to \$75,000 for every flight it operates above the limits set forth in this Order. A carrier that is a small business as defined in the Small Business Act will be liable for a civil penalty of up to \$16,630 for every flight it operates above the limits set forth in this Order. The FAA also could file a civil action in U.S. District Court, under 49 U.S.C. 46106 and 46107, seeking to enjoin any air carrier from violating the terms of this Order.

c. Prohibition on Commercial Space Launches and Reentries During Peak Hours

Accordingly, with respect to commercial space launches and reentries, under the authority provided to the FAA Administrator by 49 U.S.C. 40103, 40113, and 46105(c), and

authority delegated to the FAA Administrator under 51 U.S.C. 50909(a), it is hereby ordered that, beginning at 6:00 a.m. EST on November 13, 2025, and until this Order is cancelled, Commercial space launches and reentries will only be permitted between 10:00 p.m. and 6:00 a.m. local time.

c. Termination of ATC Service Due to Staffing Levels

Accordingly, with respect to ATC services, under the authority provided to the FAA Administrator by 49 U.S.C. 40103, 40113, and 46105(c), it is hereby ordered that:

1. When an FAA owned and operated facility does not have adequate staffing levels, ATC may elect not to provide the following services:

- a. Radar Traffic Information Service;
- b. Radar Assistance to visual flight rule (VFR) aircraft;
- c. Terminal Radar Services for VFR aircraft;
- d. VFR Traffic Pattern Operations;
- e. Practice Approaches to VFR aircraft;
- f. Flight checks services to restore inoperable equipment and approaches;
- g. ATC services to parachute operations; or,
- h. ATC services to certain special or unusual operations.

2. When an Air Traffic Control Assigned Airspace (ATCAA) or Military Operating Area (MOA) is located within a geographical area served by an FAA owned and operated facility that does not have adequate staffing levels, ATO may elect not to activate the ATCAA or MOA.

V. Aviation Consumer Protection

The Office of Aviation Consumer Protection, a unit within the Department of Transportation's Office of the General Counsel, has separately issued guidance to carriers on reporting of causes of delays and cancellations and applicability of consumer protection requirements given this order.⁷

The FAA may modify or withdraw any provision in this Order on its own or on application by any carrier for good cause shown. The FAA may opt to modify this Order via an addendum in lieu of issuing a new order and to notify the public of modifications via FAA's website at https://www.faa.gov/newsroom/press_releases. In particular, the FAA will continue to monitor data on NAS operations and performance and will amend this order as

⁶ Letter from Abigail Slater Assistant Attorney General Antitrust Division, U.S. Department of Justice to William McKenna, Chief Counsel, Federal Aviation Administration (Nov. 6, 2025).

⁷ See DOT, Reporting Causes of Flight Delays and Cancellations in Response to FAA's Order to Reduce Flights at 40 Airports Due to the Government Shutdown," <https://www.transportation.gov/airconsumer/latest-news>.

appropriate to ensure continued safety and efficiency of the NAS. Once funding is restored and the FAA has confidence the stress in the system has adequately decreased, the FAA expects to roll back operational restrictions required by this Order to restore normal operations.

Issued in Washington, DC, on November 12, 2025.

William McKenna,

Chief Counsel, Federal Aviation Administration.

Bryan Bedford,

Administrator, Federal Aviation Administration.

Appendix A—High Impact Airports

Code	Airport
ANC	Ted Stevens Anchorage International Airport.
ATL	Hartsfield-Jackson Atlanta International.
BOS	Boston Logan International.
BWI	Baltimore/Washington International.
CLT	Charlotte Douglas International.
CVG	Cincinnati/Northern Kentucky International.
DAL	Dallas Love Field.
DCA	Ronald Reagan Washington National.
DEN	Denver International.
DFW	Dallas/Fort Worth International.
DTW	Detroit Metropolitan Wayne County.
EWB	Newark Liberty International.
FLL	Fort Lauderdale/Hollywood International.
HNL	Honolulu International.
HOU	William P. Hobby Airport.
IAD	Washington Dulles International.
IAH	George Bush Houston Intercontinental.
IND	Indianapolis International.
JFK	New York John F. Kennedy International.
LAS	Las Vegas McCarran International.
LAX	Los Angeles International.
LGA	New York LaGuardia.
MCO	Orlando International.
MDW	Chicago Midway.
MEM	Memphis International.
MIA	Miami International.
MSP	Minneapolis/St. Paul International.
OAK	Oakland International.
ONT	Ontario International.
ORD	Chicago O'Hare International.
PDX	Portland International.
PHL	Philadelphia International.
PHX	Phoenix Sky Harbor International.
SAN	San Diego International.
SDF	Louisville International.
SEA	Seattle/Tacoma International.
SFO	San Francisco International.
SLC	Salt Lake City International.
TEB	Teterboro.
TPA	Tampa International

Appendix B—Part IV.b.3. Covered Airports

Code	Airport
ATL	Hartsfield-Jackson Atlanta International.
BOS	Boston Logan International.
DCA	Ronald Reagan Washington National.
DEN	Denver International.
DFW	Dallas/Fort Worth International.
EWB	Newark Liberty International.
IAH	George Bush Houston Intercontinental.
JFK	New York John F. Kennedy International.
LAX	Los Angeles International.
ORD	Chicago O'Hare International.
PHX	Phoenix Sky Harbor International.
SEA	Seattle/Tacoma International.

[FR Doc. 2025–19986 Filed 11–13–25; 4:15 pm]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans), is issuing this notice to announce actions taken by Caltrans and the U.S. Department of the Interior, Bureau of Land Management that are final agency actions. These actions relate to the proposed Scenic Route 68 Corridor Improvement project. The project plans intersection operational improvements at nine intersections and wildlife connectivity improvements at five locations within a nine-mile section of State Route 68 between Josselyn Canyon Road and San Benancio Road. The purpose of the project is to reduce travel delays and to reduce vehicle collisions and collisions between vehicles and wildlife, as well as improve access for bicyclists and pedestrians at the intersections. The selected preferred alternative will convert the nine existing signalized intersections to roundabouts.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before April 16, 2026. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Finding of No Significant Impact (FONSI) and additional project documents can be viewed and downloaded from the project website at: <https://dot.ca.gov/caltrans-near-me/district-5/current-projects/d5-scenic-route-68-improvements/> or by contacting Caltrans District 5 Environmental, 50 Higuera Street, San Luis Obispo, California, 93401, during normal business hours from 8 a.m. to 5 p.m. (Pacific Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: Matt Fowler, Environmental Branch Chief, (805) 779–0793, matt.c.fowler@dot.ca.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, and as subsequently renewed on May 27, 2022, the FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans and the U.S. Department of the Interior, Bureau of Land Management have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by Caltrans and other Federal agencies on the project, and the laws under which such actions were taken are described in the FONSI for the project, and the Section 4(f) *de minimis* determination included therein, approved on June 18, 2025, and in other project records for the listed project. The FONSI and other documents for the listed project are available by contacting Caltrans at the address provided above.

The project subject to this notice is:

Project Location: The project limits include State Route 68 from Post Mile 4.8 (west of the Josselyn Canyon Road intersection) to Post Mile 13.7 (east of the San Benancio Road intersection) in the County of Monterey.

Project Actions: This notice applies to the FONSI and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource *de minimis* determination, and all laws under which such actions were taken, including but not limited to:

1. **General:** National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. **Air:** Clean Air Act (CAA) [42 U.S.C. 7401–7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. **Noise:** Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772.

4. **Land:** Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200302–200310].

5. **Historic and Cultural Resources:** Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*];

6. **Hazardous Materials:** Comprehensive Environmental Response, Compensation, and Liability

Act (CERCLA) [42 U.S.C. 9601–9675]; Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

7. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 13112 Invasive Species, E.O. 12088 Federal Compliance with Pollution Control Standards.

Antonio Johnson,

Director of Planning, Environmental and Right of Way, Federal Highway Administration, California Division.

[FR Doc. 2025–19902 Filed 11–14–25; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans), is issuing this notice to announce actions taken by Caltrans that are final agency actions. These actions relate to the proposed Albion River Bridge Project, a bridge replacement project on State Route 1 between post miles 43.3 to 44.2 in Mendocino County.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before April 16, 2026. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Final Environmental Impact Statement (FEIS), Record of Decision (ROD) and additional project documents can be viewed and downloaded from the project website at: www.albionriverbridgeproject.com/ or by contacting Caltrans District 1 Environmental, 1656 Union Street, Eureka, California 95501, during normal business hours from 8 a.m. to 5 p.m. (Pacific Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: Rachelle Estrada, Environmental Branch Chief, (707) 441–5930, albionbridge@dot.ca.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, and as subsequently renewed on May 27, 2022, the FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by Caltrans and other Federal agencies on the project, and the laws under which such actions were taken are described in the FEIS approved on July 31, 2025, and the ROD approved on October 8, 2025, and in other project records for the listed project. The FEIS, ROD and other documents for the listed project are available by contacting Caltrans at the address provided above.

The project subject to this notice is: *Project Location:* The project limits include post mile 43.3 to 44.2 on State Route 1 in Mendocino County, California, in the community of Albion.

Project Actions: This notice applies to the FEIS, ROD, and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Programmatic Approval and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. *Air:* Clean Air Act (CAA) [42 U.S.C. 7401–7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. *Noise:* Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772.

4. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774.

5. *Wildlife:* Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361–1423h; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801–1891d], with Essential Fish Habitat requirements [16 U.S.C. 1855(b)(2)].

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; Preservation of Historical and Archaeological Data [54 U.S.C. 312501–312508]; Native American Grave Protection and

Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013; 18 U.S.C. 1170].

7. *Wetlands and Water Resources:* Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251–1387]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451–1466]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; and Wetlands Mitigation [23 U.S.C. 119(g) and 133(b)(3)].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1)).

Antonio Johnson,

Director of Planning, Environmental and Right of Way, Federal Highway Administration, California Division.

[FR Doc. 2025–19901 Filed 11–14–25; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0122]

Parts and Accessories Necessary for Safe Operation; Exemption Renewal for Grote Industries, LLC

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

ACTION: Notice of final disposition; renewal of exemption.

SUMMARY: FMCSA announces its final decision to renew an exemption requested by Grote Industries, LLC (Grote) to allow motor carriers to use Grote's amber brake-activated auxiliary pulsating lamp on the rear of their commercial motor vehicles (CMVs) in addition to the steady-burning brake

lamps required by the Federal Motor Carrier Safety Regulations (FMCSRs). The exemption is renewed for 5 years, unless revoked earlier.

DATES: This renewed exemption is effective from December 3, 2025, and expires on December 2, 2030.

FOR FURTHER INFORMATION CONTACT: Mr. David Sutula, Chief, FMCSA Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety Standards; (202) 366-9209; MCPSV@dot.gov. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2020-0122/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. ET, 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.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analyses. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish the decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt and the effective period and will

explain all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

Section 393.25(e) of the FMCSRs requires all exterior lamps (both required lamps and any additional lamps) to be steady burning except turn signal lamps, hazard warning signal lamps, school bus warning lamps, amber warning lamps or flashing warning lamps on tow trucks and CMVs transporting oversized loads, and warning lamps on emergency and service vehicles authorized by State or local authorities.

IV. Application for Renewal of Exemption

The renewal application from Grote was described in detail in a **Federal Register** notice on January 17, 2025, (90 FR 6046) and will not be repeated here as the facts have not changed since that time.

V. Public Comments

The Agency received eight comments to the public docket, six in support of the exemption and two opposing it.

Several organizations expressed strong support for the renewal of the exemption, citing the safety benefits observed in real-world applications. Amazon and Schneider National reported significant reductions in rear-end collisions after equipping their fleets with Grote's amber auxiliary brake-activated pulsating lamps. These organizations commented how the technology has enhanced visibility, improving the safety of both drivers and the general public. Additionally, the American Trucking Associations emphasized the need for innovative safety solutions and believes that the data gathered from these lamps could help pave the way for integrating such technologies into standard industry practices. Overall, proponents commented that the lamps have proven to enhance safety and reduce accident severity, making the exemption a worthwhile measure.

Two commenters questioned the effectiveness and appropriateness of the amber brake-activated pulsating lamps. One individual commented that amber flashing lights, traditionally associated with oversized loads or cautionary situations, may confuse drivers and lead to overreaction, especially in emergency braking scenarios. AWM Associates,

LLC (AWM) also noted that federal regulations already require red brake lights for clear communication of a vehicle's braking status, and commented that amber lights, with no clear mandate for operation, may serve as an unnecessary addition with limited safety value. AWM believes that the exemption creates unnecessary complexity and could lead to more confusion on the road, rather than improving safety. AWM commented that regulatory changes should be made to incorporate such lights into standard safety measures rather than granting exemptions.

VI. Agency Decision

FMCSA is not aware of any evidence showing that the operation of brake-activated auxiliary pulsating lamps on trailers and van body trucks in accordance with the conditions of the original exemption has resulted in any degradation in safety. FMCSA acknowledges the concerns that the use of amber brake-activated pulsating warning lamps may lead to confusion among drivers; however, the available data reported by the petitioner indicates that despite any potential for confusion among drivers, the auxiliary brake-activated lamps are associated with improvements in both crash frequency and outcomes for the CMVs equipped with the technology. FMCSA believes that the FMCSA and NHTSA research programs examining the ability of alternative rear-signaling systems to reduce the frequency and severity of rear-end crashes provide a sufficient basis to conclude that implementation of amber brake-activated auxiliary pulsating warning lamps on the rear of trailers and van body trucks, in addition to the steady-burning brake lamps required by the regulations, is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

Therefore, for the reasons discussed above and in the prior notice granting the original exemption request, FMCSA concludes that renewing the exemption on the terms and conditions set forth in this exemption renewal decision, will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

VII. Exemption Decision

A. Grant of Exemption

FMCSA renews the exemption for five (5) years subject to the terms and conditions of this decision. The exemption from the requirements of 49

CFR 393.25(e) is effective December 3, 2025, through December 2, 2030, 11:59 p.m. ET.

During the exemption period, motor carriers may install Grote's auxiliary brake-activated pulsating warning lamps on the rear of trailers and van body trucks, in addition to the steady-burning brake lamps required by the FMCSRs.

B. Terms and Conditions

1. This exemption applies only to motor carriers operating trailers and van body trucks equipped with Grote's auxiliary brake-activated pulsating lamps under the terms herein.

2. Motor carriers operating under this exemption may use Grote's auxiliary brake-activated warning lamps in the following configurations on trailers and van body trucks:

a. *Upper Pair*: Two auxiliary brake-activated warning lamps centered about the trailer's centerline, positioned 6–12 inches from the centerline of the outermost identification (ID) lamps, and collinear with the three-ID-lamp cluster.

b. *Single Lower Lamp*: One auxiliary brake-activated warning lamp centrally located on or below the rear sill, collinear with the stop/tail/turn lamps.

c. *Upper Pair + Single Lower Lamp*: Both the upper pair (as described in (1)) and a single auxiliary brake-activated warning lamp (as described in (2)).

d. *Lower Pair*: Two auxiliary brake-activated warning lamps centered about the trailer's centerline, located on or below the rear sill.

e. *Upper Pair + Lower Pair*: Both the upper pair (as described in (1)) and the lower pair (as described in (4)).

3. The Grote auxiliary brake-activated pulsating lamps used under this exemption must:

a. Be amber in color and function as a Class II strobe (pulsate) for up to four seconds when the brake is applied.

b. Transition to a steady red for the duration of the brake circuit activation.

c. Remain off when the brake circuit is inactive.

d. Be in addition to the steady-burning brake lamps required by the FMCSRs.

4. Grote is required to provide a list of the USDOT numbers of the motor carriers using its auxiliary brake-activated pulsating lamps to MCPSV@dot.gov on an annual basis.

5. Grote must meet with FMCSA on request to answer questions regarding reporting requirements provided under the exemption.

VIII. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this

exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

IX. Termination

The exemption will be rescinded if: (1) Grote or motor carriers operating under the exemption fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that the use of Grote's amber brake-activated pulsating lamp on the rear of the trailer and van body trucks in addition to the steady-burning brake lamps required by the FMCSRs is not achieving the requisite statutory level of safety should immediately notify FMCSA by email at MCPSV@DOT.GOV. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with the goals and objectives of 49 U.S.C. 31136 or chapter 313, will take immediate steps to revoke the exemption.

Derek D. Barrs,

Administrator.

[FR Doc. 2025–19937 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0260]

Parts and Accessories Necessary for Safe Operation; Exemption Renewal for National Tank Truck Carriers, Inc.

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

ACTION: Notice of final disposition; renewal of exemption.

SUMMARY: FMCSA announces its final decision to renew an exemption requested by National Tank Truck Carriers, Inc. (NTTC) to allow motor carriers operating tank trailers to install or continue to use a red or amber brake-activated pulsating lamp positioned in the upper center position or in an upper

dual outboard position on the rear of the trailers, in addition to the steady-burning brake lamps required by the Federal Motor Carrier Safety Regulations (FMCSRs). The exemption is renewed for 5 years, unless revoked earlier.

DATES: This renewed exemption is effective from October 8, 2025, and expires on October 8, 2030.

FOR FURTHER INFORMATION CONTACT: Mr. David Sutula, Chief, FMCSA Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety Standards; (202) 961–1373; MCPSV@dot.gov. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2019-0260/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. ET, 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.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analyses. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish the decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice

will identify the regulatory provision from which the applicant will be exempt and the effective period and will explain all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

Section 393.25(e) of the FMCSRs requires all exterior lamps (both required lamps and any additional lamps) to be steady burning except turn signal lamps, hazard warning signal lamps, school bus warning lamps, amber warning lamps or flashing warning lamps on tow trucks and CMVs transporting oversized loads, and warning lamps on emergency and service vehicles authorized by State or local authorities.

IV. Application for Renewal of Exemption

The renewal application from NTTC was described in detail in a **Federal Register** notice on August 25, 2025, (90 FR 41473) and will not be repeated here as the facts have not changed since that time.

V. Public Comments

The Agency received fifteen comments to the public docket, thirteen in support of the exemption, one opposing it, and one that misunderstood the application and was non-responsive.

Several motor carriers and organizations expressed strong support, citing both research findings and real-world data demonstrating safety benefits. Gemini Motor Transport, Oakley Transport, Island Transportation, and ADM Trucking (ADM) reported reductions in rear-end collisions and improved visibility after equipping their fleets with pulsating brake lamps. ADM specifically noted that positive results from early adoption across 100 units led to fleetwide installation being considered. Industry associations such as the American Trucking Associations (ATA), Growth Energy, and Clean Fuels Alliance America also supported the renewal, emphasizing the broader safety benefits of improved rear signaling.

Wabash National Corporation (Wabash) supported the renewal and referenced its separate petition to update Federal Motor Vehicle Safety Standard (FMVSS) 108 to account for advancements in strobe light technology. The ATA encouraged FMCSA to collaborate with its

Technology & Maintenance Council to develop recommended practices on lamp color, placement, and flash frequency. Truck Trailer Manufacturers Association and Wabash also urged FMCSA and the National Highway Traffic Safety Administration (NHTSA) to ensure interagency alignment. An independent driver supported the renewal, stating that California has permitted flashing brake lamps since the early 1980s.

One commenter opposed renewal of the exemption, arguing the extension should not be granted because it relied on unreliable or inaccurate data.

Other commenters, while generally supportive, urged conditions. Citizens United for Transportation Services emphasized that red pulsating lamps should be preferred over amber, which would create consistency with the color codes of the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) and State practices in California, Utah, and Tennessee. Most supportive organizations, including Wabash, Clean Fuels, Growth Energy, ADM, and AWM Associated, LLC, stated that FMCSA should revise the underlying regulation to allow broader use of pulsating brake lamps rather than continue case-by-case exemptions.

Overall, most commenters expressed strong support for the exemption renewal, citing significant safety improvements in crash avoidance and severity reduction, while a minority raised concerns over data reliability, lamp color, or the need for regulatory consistency.

VI. Agency Decision

FMCSA has evaluated NTTC's renewal application, the supporting data provided, and the public comments received. The Agency is not aware of any evidence indicating that the operation of brake-activated pulsating lamps on tank trailers under the conditions of the original exemption has resulted in a degradation of safety. On the contrary, available data from Groendyke Transport, Inc., and Trimac Transportation Services, Inc. demonstrate measurable reductions in the frequency and severity of rear-end crashes following installation of pulsating brake lamps. In addition, the stated concerns over data reliability, lamp color, and regulatory consistency were not supported by specific data or information that countered the real-world data provided, which showed safety improvements.

Accordingly, FMCSA believes that the FMCSA and NHTSA research programs examining the ability of alternative rear-

signaling systems to reduce the frequency and severity of rear-end crashes provide a sufficient basis for FMCSA to conclude that implementation of amber brake-activated auxiliary pulsating warning lamps on the rear of trailers and van body trucks, in addition to the steady-burning brake lamps required by the regulations, is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption. Therefore, for the reasons discussed above and in the prior notice granting the original exemption request, FMCSA concludes that renewing the exemption on the terms and conditions set forth in this exemption renewal decision, will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

VII. Terms and Conditions

FMCSA renews the exemption for five (5) years. The exemption from the requirements of 49 CFR 393.25(e) is effective October 8, 2025, through October 8, 2030, 11:59 p.m. ET. During the temporary exemption period, motor carriers operating tank trailers will be allowed to install or continue to use a red or amber brake-activated pulsating lamp in the upper center position or in an upper dual outboard position on the rear of the trailers, in addition to the steady-burning brake lamps required by the FMCSRs.

VIII. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

IX. Termination

The exemption will be rescinded if: (1) Motor carriers operating tank trailers fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that motor carriers operating tank trailers equipped with a red or amber brake-activated pulsating lamp on the

rear of the tank trailer in addition to the steady-burning brake lamps required by the FMCSRs are not achieving the requisite statutory level of safety should immediately notify FMCSA by email at MCPSV@DOT.GOV. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with the goals and objectives of 49 U.S.C. 31136 or chapter 313, will take immediate steps to revoke the exemption.

Derek Barrs,
Administrator.

[FR Doc. 2025-19938 Filed 11-14-25; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2025-0391]

Agency Information Collection Activities; New Information Collection: Crash Risks by Commercial Motor Vehicle (CMV) Driver Schedules

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. FMCSA needs additional data to answer important questions related to driver schedules and how these factors impact overall driver performance and fatigue. This research requires data to be collected for hours of service (HOS) duty logs, accident and incident data, and inspection violations records. The information collected will be used to examine the relative risk of crashes and inspection violations based on various factors related to the driver's work schedule and demographics.

DATES: Comments on this notice must be received on or before January 16, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2025-0391 using any of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. 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. ET, 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.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT:

Theresa Hallquist, Research Division, DOT, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001; 202-366-1064; Theresa.hallquist@dot.gov.

SUPPLEMENTARY INFORMATION:

Instructions

All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Public Participation and Request for Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2025-0391), 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-2025-0391/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.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. 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-notice>. The comments are posted without edits and are searchable by the name of the submitter.

Background

This information collection supports the DOT Strategic Goal of Safety. The preamble of FMCSA's 2011 final HOS rule (76 FR 81134) stated that FMCSA is committed to an analysis of the relative crash risk by driving hour, the impact of the changes in the HOS provisions, and examination of differences in crash risk after restarts that include 2 nights and those that do not. The HOS final rule also said that FMCSA would work with the OMB on the methodologies of these new statistical data collections.

FMCSA needs additional data to answer important questions related to driver schedules and how these factors impact overall driver performance and fatigue. This research requires data to be collected for HOS duty logs, accident and incident data, and inspection violations records. HOS duty logs, as well as incident and crash data, will be obtained through an integration with the telematics system provider, and driver demographic data will be provided directly by participating carriers. FMCSA will provide access to the Motor Carrier Management Information System database, which provides records of all DOT recordable crashes and inspection violation records. All data will be collected electronically. The information collected will be used to examine the relative risk of crashes and inspection violations based on various factors related to the driver's work schedule and demographics.

Pulsar Informatics, under contract with FMCSA, is required to develop a publicly available deidentified data set to be housed in the FMCSA Data Repository. All personally identifiable information shall be removed, and other methods of protecting privacy shall be utilized as needed. This deidentified data set will be provided to FMCSA

after all relevant statutes of limitations (at both State and Federal levels) pertaining to legal discoverability processes have expired.

FMCSA has determined that this collection of information is necessary for study completion. Currently, there is no comprehensive, existing data set that can be used for this project. Not collecting this data would result in an incomplete understanding of HOS-related factors that impact crash risk and the effect of alternative schedules as they relate to various aspects of HOS provisions on crash risk in CMV operations. Further, the absence of this information collection would prevent FMCSA from meeting its goal—derived from the 2015 report¹ by the National Academies of Sciences, Engineering, and Medicine—of developing a comprehensive, structured database of crash data and driver schedules to benefit future research.

Title: Crash Risks by Commercial Motor Vehicle (CMV) Driver Schedules.
OMB Control Number: 2126–XXXX.

Type of Request: New ICR.

Respondents: Motor carriers.

Estimated Number of Respondents: 60.

Estimated Time per Response: 15 minutes (0.25 hours).

Expiration Date: N/A. This is a new ICR.

Frequency of Response: One time (IC1, IC2); quarterly (IC3).

Estimated Total Annual Burden: 45 hours.

The total annual burden is calculated as the sum of IC1, IC2, and IC3:

IC1: 15 responses per year $\times$ 0.25 hours per response = 3.75 total annual burden hours.

IC2: 15 responses per year $\times$ 0.25 hours per response = 3.75 total annual burden hours.

IC3: 150 responses per year $\times$ 0.25 hours per response = 37.5 total annual burden hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in

the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

Nicole Michel,

Acting Associate Administrator Office of Research and Registration.

[FR Doc. 2025–19975 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0091]

Agency Information Collection Activities; Renewal of a New Information Collection Request: Lease and Interchange of Vehicles

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. This ICR will enable FMCSA to document the burden associated with the for-hire truck leasing regulations and passenger carrier regulations. These regulations require certain for-hire property carriers and certain for-hire and private passenger carriers to have a formal lease when leasing equipment from other motor carriers. One public comment was received in response to the 60-day notice.

DATES: Comments on this notice must be received on or before December 17, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Stacy Ropp, Compliance Division, DOT, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (609) 661–2062; Stacy.Ropp@dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Lease and Interchange of Vehicles.

OMB Control Number: 2126–0056.

Type of Request: Renewal of currently approved ICR.

Respondents: Motor carriers authorized by the Secretary to transport property and passengers that use leased equipment.

Estimated Number of Respondents: 31,677 [28,758 property carriers (lessees and lessors) + 2,013 interstate authorized for-hire passenger carriers (lessees and lessors) + 236 interstate exempt for-hire passenger carriers (lessees and lessors) + 671 interstate private motor carriers of passengers (lessees and lessors)].

Estimated Time per Response: Varies from 5 to 30 minutes.

Expiration Date: December 31, 2025.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 186,102 hours [28,758 hours for master lease (creation of master leases by lessees and lessors that are property carriers) + 48,446 hours for standard statement (creation of a statement or copy of the lease to be carried in each leased truck tractor) + 93,395 hours for one-time lease negotiations by lessees and lessors that are passenger carriers + 15,504 hours for lease documentation by lessees and lessors that are passenger carriers + zero or de minimis hours for lease copying by passenger carriers].

Background

Under 49 United States Code (U.S.C.) 14102(a), The Secretary of Transportation (Secretary) “may require a motor carrier providing for-hire transportation that uses motor vehicles not owned by it to transport property under an arrangement with another party to

(1) make the arrangement in writing signed by the parties specifying its duration and the compensation to be paid by the motor carrier;

(2) carry a copy of the arrangement in each motor vehicle to which it applies during the period the arrangement is in effect;

(3) inspect the motor vehicles and obtain liability and cargo insurance on them; and

(4) have control of and be responsible for operating those motor vehicles in compliance with requirements prescribed by the Secretary on safety of operations and equipment, and with other applicable law as if the motor vehicles were owned by the motor carrier.”

The Secretary has delegated authority pertaining to leased motor vehicles to FMCSA pursuant to 49 CFR 1.87(a)(6). The Agency's regulations governing leased motor vehicles are at 49 CFR part 376.

¹ The report, “Commercial Motor Vehicle Driver Fatigue, Long-Term Health, and Highway Safety,” is available at <https://nap.nationalacademies.org/catalog/21921/commercial-motor-vehicle-driver-fatigue-long-term-health-and-highway-safety>.

The regulations were adopted to ensure that small trucking companies would be protected when they agreed to lease their equipment and drivers to larger for-hire carriers. They also ensure the government and members of the public can determine who is responsible for a property-carrying commercial motor vehicle (CMV). Prior to adoption of the regulations, some equipment was leased without written agreements, leading to disputes over which party to the lease was responsible for charges and actions and, at times, who was legally responsible for the vehicle.

The regulations specify what must be covered in the lease but leave open how many responsibilities must be divided. The parties to the lease determine numerous details between themselves.

Part 376 applies only to certain motor carriers in interstate commerce and only to certain leasing situations based on exemptions set forth in § 376.11, which cross reference other provisions in part 376. Section 376.11 provides that an authorized carrier (a person or persons authorized to engage in the transportation of property as a motor carrier under the provisions of 49 U.S.C. 13901 and 13902) may perform authorized transportation using equipment it does not own only when the following conditions are met:

(1) There shall be a written lease granting the use of the equipment and meeting the requirements contained in § 376.12;

(2) Receipts, specifically identifying the equipment to be leased and stating the date and time of day possession is transferred, shall be given; and

(3) The authorized carrier acquiring the use of equipment under this section shall identify the equipment as being in its service.

Passenger transportation. FMCSA can regulate the lease and interchange of passenger-carrying CMVs based on the authority of the Motor Carrier Act of 1935 and the Motor Carrier Safety Act of 1984, as amended. FMCSA's regulations about the lease and interchange of passenger-carrying CMVs in 49 CFR part 390 subpart G help ensure that passenger carriers cannot evade FMCSA oversight and enforcement by entering into lease agreements to operate under the authority of another carrier that exercises no control over these operations. Motor carriers that:

(1) operate passenger-carrying CMVs,

(2) have active operating authority registration with FMCSA to transport passengers, and

(3) engage in the lease or interchange of passenger-CMV with other motor carriers that have active operating

authority registration with FMCSA to transport passengers, are not subject to the regulations in 49 CFR part 390 subpart G and the recordkeeping requirements therein.

Such regulations and requirements also do not apply to financial leases (such as a closed-end lease, hire purchase, lease purchase, purchase agreement, installment plan, demonstration or loaner vehicle, etc.) between a motor carrier and a bank or similar financial organization or a manufacturer or dealer of passenger-carrying CMVs.

Section 390.403(b) specifies the four required items of information that any lease or interchange record document for passenger-carrying CMVs is required to contain. These are:

(1) vehicle identification information;

(2) information about and signatures of the involved motor carriers of passengers (the lessor and the lessee);

(3) specific duration of the lease or interchange agreement; and

(4) a clear statement about exclusive possession and responsibilities.

Section 390.403(c) requires a copy of the lease or interchange agreement be on the passenger-carrying CMV during the period of the lease or interchange agreement. Both the lessee and lessor must retain a copy of the lease or interchange agreement for one year after the expiration date.

These property carrier and passenger carrier provisions account for the burden in this information collection. The program change decrease of 26,154 estimated annual burden hours (186,102 proposed estimated annual burden hours—212,256 currently approved estimated annual burden hours) is due to the availability of new data. Previous estimates were based on 2021 data.

Current property carrier and passenger carrier-related estimates are based on the December 27, 2024, Motor Carrier Management Information System and Safety Measurement System snapshots. The data pulled for the current ICR shows a decrease in the overall number of affected property carriers and an increase in the overall number of affected passenger carriers from the data used in the previous ICR. The decrease in the number of affected property carriers was greater than the increase in the overall number of affected passenger carriers which resulted in a decrease in the overall burden hours associated with this ICR.

FMCSA received one public comment in response to the 60-day notice published in the **Federal Register** on May 28, 2025 (90 FR 22560). The comment stated that the proposed agency collection should be extended

for accountability needs of reporting applicable contract expenditures and passenger carrier regulations. FMCSA agrees that the IC should be renewed for another 3 years.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including:

(1) whether the proposed collection is necessary for the performance of FMCSA's functions;

(2) the accuracy of the estimated burden;

(3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and

(4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority of 49 CFR 1.87.

Nicole Michel,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2025–19974 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0556]

Agency Information Collection Activities; Renewal of an Approved Information Collection: Unified Registration System, FMCSA Registration/Updates

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. FMCSA requests approval to renew the previously approved ICR now titled “Unified Registration System, FMCSA Registration/Updates,” OMB Control No. 2126–0051. This ICR applies to new registrants seeking initial registration and operating authority registration from FMCSA. New registrants seeking to register with FMCSA must use online Form MCSA–1, accessible via the Unified Registration System (URS).

DATES: Comments on this notice must be received on or before January 16, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–

2025–0556 using any of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. 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. ET, 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.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey Secrist, Office of Registration, Chief, Registration Division, DOT, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 385–2367; jeff.secrist@dot.gov.

SUPPLEMENTARY INFORMATION:

Instructions

All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Public Participation and Request for Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2025–0556), 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/>

<https://www.regulations.gov/docket/>, 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.

Privacy Act

In accordance with 44 United State Code (U.S.C.) 3506(c)(2), DOT solicits comments from the public to better inform its information collection process. 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.

Background

FMCSA registers for-hire motor carriers of regulated commodities and of passengers, under 49 U.S.C. 13902(a); surface freight forwarders, under 49 U.S.C. 13903; property brokers, under 49 U.S.C. 13904; and certain Mexico-domiciled motor carriers, under 49 U.S.C. 13902(c). These motor carriers may conduct transportation services in the United States only if they are registered with FMCSA. Each registration is effective from the date specified and remains in effect for such period as the Secretary of Transportation (Secretary) determines by regulations.

The final rule titled “Unified Registration System,” (78 FR 52608) dated August 23, 2013, implemented statutory provisions for an online registration system for entities that are subject to FMCSA’s licensing, registration, and certification regulations. URS streamlines the registration process and serves as a clearinghouse and repository of information on motor carriers, brokers, freight forwarders, intermodal equipment providers, hazardous materials safety permit applicants, and cargo tank facilities required to register with FMCSA. When developing URS, FMCSA planned that the OP–1 series of forms (except for OP–1(MX)) would ultimately be folded into one overarching form (MCSA–1), which

would be used by all motor carriers seeking authority.

FMCSA began a phased rollout of URS in 2015. The first phase, which became effective on December 12, 2015, impacts only first-time applicants seeking an FMCSA-issued registration. FMCSA had planned subsequent rollout phases for existing registrants; however, there have been substantial delays, and subsequent phases have not been rolled out to date.

On January 17, 2017, FMCSA issued a final rule titled “Unified Registration System; Suspension of Effectiveness,” which indefinitely suspended URS effectiveness dates for existing registrants only (82 FR 5292). Pursuant to this final rule, FMCSA is still accepting forms OP–1, OP–1(P), OP–1(FF), and OP–1(NNA) for existing registrants wishing to apply for additional authorities. Separately, FMCSA requires Form OP–1(MX) for Mexico-domiciled carriers that wish to operate beyond the U.S. municipalities on the U.S.-Mexico border and their commercial zones.

As described above, only first-time applicants seeking an FMCSA-issued registration must apply via URS, using Form MCSA–1. Under URS, all forms described in the current ICR, except OP–1(MX), are folded into Form MCSA–1. Information collection activities associated with the OP–1 series of forms are covered under a different ICR, titled “Licensing Applications for Motor Carrier Operating Authority,” OMB Control No. 2126–0016.

Form MCSA–1 requests information to identify the applicant, the nature and scope of its proposed operations, safety-related details, and information regarding the drivers and vehicles it plans to use in U.S. operations. FMCSA and the States use registration information collected via Form MCSA–1 to track motor carriers, freight forwarders, brokers, and other entities they regulate. Registering motor carriers is essential to being able to identify carriers so that their safety performance can be tracked and evaluated. The data make it possible to link individual trucks to the responsible motor carrier, thus implementing the mandate under 49 U.S.C. 31136(a)(1); that is, ensuring that CMVs are maintained and operated safely). In general, registration information collected via Form MCSA–1 informs prioritization of the Agency’s activities and aids in assessing and statistically analyzing the safety outcomes of those activities.

The current information collection supports the DOT Strategic Goal of Safety. It streamlines registration processes and ensures that FMCSA can

more efficiently track motor carriers, freight forwarders, brokers, and other entities regulated by the Agency.

Title: Unified Registration System, FMCSA Registration/Updates.

OMB Control Number: 2126–0051.

Type of Request: Renewal of a currently approved ICR.

Respondents: Carrier compliance officer or equivalent from transportation entities subject to FMCSA's licensing, registration, and certification regulations.

Estimated Number of Respondents: 549,782 (183,261 per year).

Estimated Time per Response: 1.34 hours.

Expiration Date: May 31, 2026.

Frequency of Response: One-time information collection.

Estimated Total Annual Burden: 736,708 hours (245,569 per year).

The estimated annual respondents/responses for Form MCSA–1 increased from 94,619 in the previously approved ICR to 183,261 in the current ICR. The estimated annual burden hours for Form MCSA–1 increased by 118,780 hours [245,569 proposed hours – 126,789 currently approved hours = 118,780 hours]. This estimate is based off the increased number of respondents/responses calculated based on the number of new entrants who applied using Form MCSA–1 during calendar years 2022, 2023, and 2024, which results in these estimates of annual respondents/responses and burden hours for the upcoming information collection period.

The estimated labor costs for industry have increased by \$7,240,851 annually [\$12,713,084 in proposed costs – \$5,472,233 currently approved costs = \$7,240,851]. This change is also due to the increased estimates of annual respondents/responses.

For the Federal Government, estimated annual labor and information technology costs have increased by \$168,982 [\$6,453,612 in proposed costs – \$5,946,667 in previously approved costs = \$506,945/3 years = \$168,982]. This change is also due to the increased estimates of annual respondents/responses.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will

summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

Nicole Michel,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2025–19977 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0072; Notice 2]

PT. Multistrada Arah Sarana Tbk, Denial of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition.

SUMMARY: PT. Multistrada Arah Sarana, Tbk (MASA) has determined that certain Achilles, Corsa, Radar, and Milestar brand tires in various sizes do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles*, and Part 574, *Tire Identification and Recordkeeping*. MASA filed a noncompliance report dated June 1, 2020, and subsequently petitioned NHTSA on June 25, 2020, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces the denial of MASA's petition.

FOR FURTHER INFORMATION CONTACT: Jayton Lindley, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), Jayton.Lindley@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Overview

MASA has determined that certain Achilles, Corsa, Radar, and Milestar brand tires in various sizes do not fully comply with the requirements of paragraph S5.5.1 of FMVSS No. 139, *New Pneumatic Radial Tires for Light Vehicles* (49 CFR 571.139) and 574.5 of Part 574, *Tire Identification and Recordkeeping* (49 CFR 574). MASA filed a noncompliance report dated June 1, 2020, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*, and subsequently petitioned NHTSA on June 25, 2020, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301

on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

Notice of receipt of MASA's petition was published with a 30-day public comment period, on February 26, 2021, in the **Federal Register** (86 FR 11823). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA–2020–0072."

II. Tires Involved

This petition involves approximately 1,673,307 Achilles, Corsa, Radar, and Milestar brand tires in various sizes, manufactured between January 3, 2016, and March 14, 2020 (the subject tires):

- Achilles 868 All Seasons, ATR Sport 2, Desert Hawk H/T2, 122, ATR–K Sport, and Desert Hawk UHP;
- Corsa All Terrain XL and Highway Terrain;
- Radar Renegade H/T and Renegade A/T; and
- Milestar MS932XP, Patagonia M/T, and Grantland.

III. Noncompliance

MASA explains that the noncompliance is that the third grouping of symbols in the tire identification numbers (TIN) on the subject tires exceeds the number of characters allowed and therefore does not fully comply with Part 574.5(g)(3) *Old TIN content requirement*, as required by S5.5.1 of FMVSS No. 139. Specifically, MASA used up to six symbols in the third grouping of symbols in the TIN, when this grouping should be no more than four symbols.

IV. Rule Requirements

Paragraph S5.5.1 of FMVSS No. 139 and 49 Part 574.5(g)(3) includes the requirements relevant to this petition. Each tire must be labeled with the tire identification number required by 49 CFR part 574 on the intended outboard sidewall of the tire. The third grouping of the TIN, "consisting of no more than four symbols, may be used at the option of the manufacturer or retreader as a descriptive code for the purpose of identifying significant characteristics of the tire."

V. Summary of MASA's Petition

The following views and arguments presented in this section, "V. Summary of MASA's Petition," are the views and

arguments provided by MASA and do not reflect the views of the agency.

In support of its petition, MASA submitted the following reasoning:

1. *Operational Safety:*

a. MASA stated their belief that a “TIN marking noncompliance does not create any operational safety risk for the vehicle. The tires comply with applicable Federal Motor Vehicle Safety Standards performance requirements and all other applicable regulations.” MASA further stated that “a summary of production tire compliance audit testing will be provided to NHTSA separately from this filing.”

b. “The incorrect TIN marking with additional characters in the optional code has no bearing on tire performance.”

c. “The subject tires are properly marked with all other markings required under FVMSS 139 such as S5.5(c) maximum permissible inflation pressure and S5.5(d) maximum load rating. The necessary information is available on the sidewall of the tire to ensure proper application and usage.”

d. “The subject tires contain the DOT symbol on both sidewalls indicating conformance to applicable Federal Motor Vehicle Safety Standards.”

2. *Identification and Traceability:*

a. “All information required by 49 CFR 574.5 for the Tire Identification Number (plant code + size code + option code + date code) is present on the sidewall of the tire.”

b. “For identification and traceability purposes, the key information of plant code and manufacturing date is present on the tire.”

c. “The existence of extra characters in the optional code does not inhibit the ability of a tire distributor, the tire dealer or the consumer to register the tires.”

d. “In the event that dealer/owner notifications are required the TIN, as molded on the subject tires, is sufficient to ensure proper communication and identification of the tires.”

e. “To date, there is no record of a distributor, dealer, consumer, or other concerned party raising a question about tires with the extraneous characters.”

f. “[I]dentification and traceability of the subject tires could be accomplished in the event of a need to conduct a dealer/owner notification. Production records link plant code, size code, and optional code with the manufacturing dates for all concerned brands and tire sizes.”

3. *Proactive Measures:*

a. “Internal communications to sales and customer service functions who may have contact with consumers,

dealers and distributors associated with the concerned products.”

b. “External communications with specific distributors and dealers associated with the concerned products.”

c. “Confirmation that tires with extraneous TIN optional code characters can be properly registered on the Achilles Tire USA website.”

MASA concluded by expressing their belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition should be granted.

VI. NHTSA's Analysis

In determining the inconsequentiality of a noncompliance, NHTSA focuses on the safety risk to individuals who experience the type of event against which a recall would otherwise protect.¹ In general, NHTSA does not consider the absence of complaints or injuries when determining if a noncompliance is inconsequential to safety. The absence of complaints does not mean vehicle occupants have not experienced a safety issue, nor does it mean that there will not be safety issues in the future.²

NHTSA is denying the petitioner's request for an exemption from the notification and remedy requirements of 49 U.S.C. 30118 and 49 U.S.C. 30120. Even though there does not appear to be any performance or tracability-related issues associated with the subject noncompliance, tire registration is critical for notifying consumers in the event of a safety recall, and the noncompliance here with the TIN standards undermines that. Accordingly, MASA has not met its burden to demonstrate that the noncompliance is inconsequential.

Specifically, because of the noncompliance, MASA would be unable to directly contact consumers

¹ See *Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 35355 (June 12, 2013) (finding noncompliance had no effect on occupant safety because it had no effect on the proper operation of the occupant classification system and the correct deployment of an air bag); *Osram Sylvania Prods. Inc.; Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 46000 (July 30, 2013) (finding occupant using noncompliant light source would not be exposed to significantly greater risk than occupant using similar compliant light source).

² See *Morgan 3 Wheeler Limited; Denial of Petition for Decision of Inconsequential Noncompliance*, 81 FR 21663, 21666 (Apr. 12, 2016); see also *United States v. Gen. Motors Corp.*, 565 F.2d 754, 759 (D.C. Cir. 1977) (finding defect poses an unreasonable risk when it “results in hazards as potentially dangerous as sudden engine fire, and where there is no dispute that at least some such hazards, in this case fires, can definitely be expected to occur in the future”).

who are unable to register their tires in the event of a safety recall. MASA stated in its petition that the full TIN of the affected tires—even with the extraneous characters—may be registered on their Achilles Tire USA website. But when NHTSA attempted to register one of the subject tires, it was not possible to register a TIN with more than 13 characters. As the Achilles tire registration system is limited to accepting only a 13-character number, the subject tires, which have 14-character TINs, cannot be registered. And even if consumers are/were later able to register their tires using 14-character TINs, consumers who attempted to register their tires beforehand (and were unable to do so) would be unlikely to make a repeat attempt so as to avail themselves of the benefit of registration going forward, absent a recall.

VII. NHTSA's Decision

In consideration of the foregoing, NHTSA finds that MASA has not met its burden of persuasion that the FMVSS No. 139 noncompliance is inconsequential as it relates to motor vehicle safety. Accordingly, MASA's petition is hereby denied and MASA is consequently obligated to provide notification of and free remedy for that noncompliance under 49 U.S.C. 30118 and 30120.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

Eileen Sullivan,

Associate Administrator for Enforcement.

[FR Doc. 2025–19993 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2025–0600]

Senior Executive Service Performance Review Board Membership; Correction

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Notice of Performance Review Board (PRB) appointments; Correction.

SUMMARY: DOT is correcting a notice published on September 29, 2025, issue of the Federal Registry entitled “Senior Executive Service Performance Review Board Membership”. This notice adds additional individuals that may be selected to serve on one or more Departmental PRBs.

FOR FURTHER INFORMATION CONTACT: Anne Audet, Director, Departmental

Office of Human Resource Management
(202) 366–2478.

SUPPLEMENTARY INFORMATION:

Correction—The persons named below are additional individuals that may be selected to serve on one or more Departmental PRBs.

(Authority: 5 U.S.C. 4314(c)(4))

Issued in Washington, DC on October 1, 2025.

Anne B. Audet,

Director, Departmental Office of Human Resource Management.

**DEPARTMENT OF
TRANSPORTATION**

**FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION**

BARR, DEREK

*GREAT LAKES ST. LAWRENCE
SEAWAY DEVELOPMENT
CORPORATION*

MCCOSHEN, JAMES, MIKE

*NATIONAL HIGHWAY TRAFFIC
SAFETY ADMINISTRATION*

TERRY, JANE

*OFFICE OF THE SECRETARY OF
TRANSPORTATION*

CRAWFORD, JAMES

OZ, SEVAL

RUTHERFORD, MICHAEL

WHITE, LEE

WINDRAM, LESLIE

*PIPELINE AND HAZARDOUS
MATERIALS SAFETY
ADMINISTRATION*

ROBERTI, PAUL

[FR Doc. 2025–19925 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

**U.S. Merchant Marine Academy Board
of Visitors; Public Meeting; Correction**

AGENCY: Office of the Secretary, DOT.

ACTION: Notice; correction.

SUMMARY: On Friday, November 7, 2025, the U.S. Department of Transportation announced a meeting of the U.S. Merchant Marine Academy (USMMA) Board of Visitors (Board) on November 24, 2025. In that notice, the Department inadvertently specified the incorrect deadline for submission of written statements to the Board. This notice provides the correct deadline.

DATES: Written statements to be considered during the meeting must be received via email to *ExternalAffairs@usmma.edu* no later than November 17, 2025.

FOR FURTHER INFORMATION CONTACT: The Board's Designated Federal Officer and Point of Contact, Michael O'Hagan, 516–726–6048 or *ExternalAffairs@usmma.edu*.

SUPPLEMENTARY INFORMATION: The Department specified in the **DATES** section of the BOV meeting notice published on November 7, 2025 (90 FR 50502) that written statements to be considered during the meeting must be received via email to *ExternalAffairs@usmma.edu* no later than November 17, 2025. In the **SUPPLEMENTARY INFORMATION** section, however, the Department inadvertently specified that written statements should be submitted no later than November 10, 2024. This notice clarifies that the November 17, 2025 date is the correct date by which written statements should be submitted for consideration at the meeting.

(Authority: 46 U.S.C. 51312; 5 U.S.C. 552b; 5 U.S.C. Ch.10; 41 CFR parts 102–3.140 through 102–3.165)

Signed in Washington, DC, on November 13, 2025.

Jonathan Duggan Priebe,

*Special Assistant for Governmental Affairs,
U.S. Department of Transportation.*

[FR Doc. 2025–19941 Filed 11–14–25; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number: DOT–OST–2018–0132]

**Agency Information Collection;
Activity Under OMB Review;
Passenger Origin-Destination Survey
Report**

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below will be forwarded to the Office of Management and Budget (OMB) for extension of currently approved collections. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 11, 2025. No comments were received.

DATES: Written comments should be submitted by December 17, 2025.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street NW, Washington, DC 20503, Attention: OST Desk Officer.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department. Comments should address whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT:

James Bouse, Office of Airline Information, RTS–42, Room E34–441, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 366–4876, Fax Number (202) 366–3383, or Email *james.bouse@dot.gov*.

Comments: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street NW, Washington, DC 20503, Attention: OST Desk Officer.

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2139–0014

Title: Passenger Origin-Destination Survey Report.

Form No.: None.

Type Of Review: Extension of a currently approved collection.

Respondents: Certificated air carriers that operated scheduled passenger service report these data.

Number of Respondents: 100.

Total Number of Annual Responses: 1200.

Estimated Time per Response: 30 hours.

Total Annual Burden: 36,000 hours.

Needs and Uses: Survey data are used in monitoring the airline industry, negotiating international agreements, reviewing requests for the grant of anti-trust immunity for air carrier alliance agreements, selecting new international routes, selecting U.S. carriers to operate limited entry foreign routes, and modeling the spread of contagious diseases. The Passenger Origin-Destination Survey Report is the only aviation data collection by DOT where the air carriers report the true origins and destinations of passengers' flight itineraries. The Department does have

another aviation data collection (T-100) which (1) gives passenger totals for city-pairs served on a nonstop basis and (2) market totals for passengers traveling on a single flight number. If the passenger travels on multiple flight numbers, a new market is recorded for each change in flight number.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on November 13, 2025.

Rolf Schmitt,

Acting Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2025-20020 Filed 11-14-25; 8:45 am]

BILLING CODE 4910-9X-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. Additionally, OFAC is publishing updates to the identifying information of one person currently included on the SDN List.

DATES: This action was issued on November 4, 2025. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, 202-622-2420; Assistant Director for Sanctions Compliance, 202-622-2490 or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Action

A. On November 4, 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 authorities listed below.

Individuals

1. JANG, Kuk Chol (a.k.a. CHANG, Kuk Ch'o'l), Vladivostok, Russia; DOB 03 Jul 1987; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Passport 754420443 (Korea, North) (individual) [DPRK4] [CYBER4].

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13694 of April 1, 2015, "Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities," 80 FR 18077, 3 CFR, 2015 Comp., p. 297, as amended by Executive Order 13757 of December 28, 2016, "Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities," 82 FR 1, 3 CFR, 2016 Comp., p. 659, and as further amended by Executive Order 14144 of January 16,

2025, "Strengthening and Promoting Innovation in the Nation's Cybersecurity," 90 FR 6755, and Executive Order 14306 of June 6, 2025, "Sustaining Select Efforts To Strengthen the Nation's Cybersecurity and Amending Executive Order 13694 and Executive Order 14144," 90 FR 24723 (E.O. 13694, as further amended), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, an activity described in section 1(a)(ii)(D) of E.O. 13694, as further amended.

Designated pursuant to section 1(a)(iv) of Executive Order 13810 of September 20, 2017, "Imposing Additional Sanctions With Respect to North Korea," 82 FR 44705, 3 CFR, 2017 Comp., p. 379 (September 25, 2017) (E.O. 13810) for being a North Korean person, including a North Korean person that has engaged in commercial activity that generates revenue for the Government of North Korea or the Workers' Party of Korea.

2. HO, Jong Son (a.k.a. HO', Cho'ng So'n), Korea, North; DOB 21 Nov 1964; POB Japan; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Passport 754120050 (Korea, North) (individual) [DPRK4] [CYBER4].

Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, an activity described in section 1(a)(ii)(D) of E.O. 13694, as further amended.

Designated pursuant to section 1(a)(iv) of E.O. 13810 for being a North Korean person, including a North Korean person that has engaged in commercial activity that generates revenue for the Government of North Korea or the Workers' Party of Korea.

3. HO, Yong Chol (Korean: 허용철) (a.k.a. HO', Yong-ch'o'l), Dandong, China; DOB 12 Dec 1968; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214 (individual) [DPRK] (Linked To: KOREA DAESONG BANK).

Designated pursuant to section 1(a)(ii)(F) of Executive Order 13551 of August 30, 2010, "Blocking Property of Certain Persons With Respect to North Korea" (E.O. 13551), 75 FR 53837, 3 CFR, 2010 Comp., p. 242, being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KOREA DAESONG BANK, a person whose property or interests in property are blocked pursuant to E.O. 13551.

4. CHOE, Chun Pom (a.k.a. CH'OE, Ch'un-po'm), Beijing, China; DOB 20 Feb 1975; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Passport

199320353 (Korea, North) (individual) [DPRK3] (Linked To: CENTRAL BANK OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA).

Designated pursuant to section 2(a)(viii) of Executive Order 13722 of March 15, 2016 "Blocking Property of the Government of North Korea and the Workers' Party of Korea, and Prohibiting Certain Transactions With Respect to North Korea" (E.O. 13722), 81 FR 14943, 3 CFR, 2016 Comp., p. 446, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CENTRAL BANK OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, a person whose property and interests in property are blocked pursuant to E.O. 13722.

5. RI, Jin Hyok (a.k.a. RI, Chin-hyo'k), Zhuhai, China; DOB 20 Feb 1983; nationality Korea, North; Gender Male;

Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Passport 563120232 (Korea, North) (individual) [DPRK3] (Linked To: FOREIGN TRADE BANK OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA).

Designated pursuant to section 2(a)(viii) of E.O. 13722 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, FOREIGN TRADE BANK OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, a person whose property and interests in property are blocked pursuant to E.O. 13722.

6. HAN, Hong Gil (Korean: 한홍길) (a.k.a. HAN, Hong Kil), Dandong, China; DOB 20 Jan 1974; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Passport 381410151 (Korea, North) (individual) [DPRK4] (Linked To: KORYO COMMERCIAL BANK LTD.).

Designated pursuant to section 1(a)(v) of E.O. 13810 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, KORYO COMMERCIAL BANK, an entity whose property and interests in property are blocked pursuant to E.O. 13810

7. U, Yong Su, Dandong, China; DOB 19 Jun 1971; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Passport 481231176 (Korea, North) expires 17 May 2026 (individual) [DPRK4] (Linked To: KOREA MANGYONGDAE COMPUTER TECHNOLOGY CORPORATION).

Designated pursuant to section 1(a)(vi) of E.O. 13810 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KOREA MANGYONGDAE COMPUTER TECHNOLOGY CORPORATION, a person whose property and interests in property are blocked pursuant to E.O. 13810.

8. JONG, Sung Hyok (a.k.a. CHONG, Sung-hyok), Vladivostok, Russia; DOB 19 Aug 1971; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Passport 754420338 (Korea, North) (individual) [DPRK3] (Linked To: FOREIGN TRADE BANK OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA).

Designated pursuant to section 2(a)(viii) of E.O. 13722 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, FOREIGN TRADE BANK OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, a person whose property and interests in property are blocked pursuant to E.O. 13722.

Entities

9. RYUJONG CREDIT BANK, Pyongyang, Korea, North; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea

Sanctions Regulations section 510.214; Target Type Financial Institution [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the financial services industry in North Korea.

10. KOREA MANGYONGDAE COMPUTER TECHNOLOGY CORPORATION (a.k.a. KOREA MANGYONGDAE COMPUTER TECHNOLOGY CORP.; a.k.a. MANGYONGDAE COMPUTER TECHNOLOGY), Songhung-dong, Korea, North; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Organization Type: Other information technology and computer service activities [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the information technology industry in North Korea.

B. On November 4, 2025, OFAC updated the SDN List entry for the following person, whose property and interests in property subject to U.S. jurisdiction continue to be blocked. The

listing below reflects the amended entry on the SDN List.

—From—

CHEIL CREDIT BANK (a.k.a. FIRST CREDIT BANK; f.k.a. “KYONGYONG CREDIT BANK”), 3–18 Pyongyang Information Center, Potonggang District, Pyongyang, Korea, North; Beijing, China; Shenyang, China; Shanghai, China; SWIFT/BIC KYCBKPPY; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; [DPRK4]

—To—

CHEIL CREDIT BANK (a.k.a. FIRST CREDIT BANK; a.k.a. “KYONGYONG CREDIT BANK”), 3–18 Pyongyang Information Center, Potonggang District, Pyongyang, Korea, North; Beijing, China; Shenyang, China; Shanghai, China; SWIFT/BIC KYCBKPPY; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Target Type Financial Institution; Digital Currency Address—USDT TA3941uFAvmVibSkQ6fMJXxmaSNovX86mz; alt. Digital Currency Address—USDT TA39q3p75XRSWYAEaSF7dANTyksoa3sLge; alt. Digital Currency Address—USDT TBATDh41qMQ1yeVYecneEvhpfoyYmkaQWS; alt. Digital Currency Address—USDT TBwghbQMsBC5xcUxE7ZpYXhfDMXZAfiFv6; alt. Digital Currency Address—USDT TBWRDPQsW1ZVPGGaBAwVLNb7iqmVBuM1nj; alt. Digital Currency Address—USDT TBYRhsZR7Mdn9ezpGVLwZiNVnGm8wZGLAD; alt. Digital Currency Address—USDT TBZefVsyQpzzxc2WSCLbZBECvxVdzGqdtC; alt. Digital Currency Address—USDT TC5UNu3LGrijVCuLNDdVgjm4oL5cQAYFRZ; alt. Digital Currency Address—USDT TCA7AfTSuDMgYk2VaezfPuZF4Z4X8wxwcQ; alt. Digital Currency Address—USDT TDNKLvsY2iSznyghddXz7ZDRc4X3191Z8; alt. Digital Currency Address—USDT TE3mCcPULjPUE7ykX7RARdPAhyahoy3d2j; alt. Digital Currency Address—USDT TF4J8Gp7zbS8NA3HLuxsLdx7Ebzr6weCGn; alt. Digital Currency Address—USDT TFDHux43bs21qRsygv5WQWfgtbQeT6nXey; alt. Digital Currency Address—USDT TFrH3dcpnR

3tADrAcfyJwiK4brsgf3B7PG; alt. Digital Currency Address—USDT TFurWgnyNMq9bhLrLoT9FGnrLfAL2BtR5R; alt. Digital Currency Address—USDT TGDaYNWFXi9HJ7NacfETF15vhUH7eRhKzt; alt. Digital Currency Address—USDT TGdpkwNVFjw2DnbHBCFKLvCygPVPz9w4iM; alt. Digital Currency Address—USDT TGGKgLatiRpTugS6wgCUKerjLbzWKXAVqx; alt. Digital Currency Address—USDT TGMFaAXH15oaW8MpcNHLid6NbMKWaaNPdC; alt. Digital Currency Address—USDT TGpNzk9noyvCCdnFPuSg5cqpTPs16LjXZq; alt. Digital Currency Address—USDT TGRZZsD8gxahF5oE6C7K8LLRHqQzoPa5bX; alt. Digital Currency Address—USDT THEQTsqPhRDDfgcfBW5npH5Lr9PZhpthrf; alt. Digital Currency Address—USDT THHb5iMabZgQYY19h6uY66y5xt6e11gcZC; alt. Digital Currency Address—USDT THob8vRrpDybXeqZDj8ukQhMjJVJ5nCbtW; alt. Digital Currency Address—USDT THUqqeevBQS3EYordDJKwp8DLfKnesnfCD; alt. Digital Currency Address—USDT TJ812KESWjzJZGEWBPFcu74Js5zQS7jN5A; alt. Digital Currency Address—USDT TJBg9SxwiUUoqJGk18vK9avxkuV8GrKMK7; alt. Digital Currency Address—USDT TLRMHPjLGXsVpD9RVzSfat6zDiVDrd4b4w; alt. Digital Currency Address—USDT TMECKT19hfumcK3KqQKbhxkn1ohyeR58xu; alt. Digital Currency Address—USDT TMgnRWb9xFMtktny9Lzty21QYLLQD93ft6; alt. Digital Currency Address—USDT TmiSGhXXVsvjzqwGbwAsGiFxWg2eALZoM5; alt. Digital Currency Address—USDT TPcUZyThDfxNsHQnZZGBM1BDNBeNSjPZE; alt. Digital Currency Address—USDT TPF9UQHqpV18BPWg5xo6MeB3h8t4iEg9gP; alt. Digital Currency Address—USDT TPo3JyryRcQ3uhBWexeYhtkpMitsUwY4uB; alt. Digital Currency Address—USDT TPPR7e8hGC57dextrE2jy1f94wtuGyVP6Dp; alt. Digital Currency Address—USDT TQKQ4ntejdYYJpuYkFz8oCSDoXW6RKRDdY; alt. Digital Currency Address—USDT TQthYM5nLqwAEr6DSc8tRtw29ncEB53mK; alt. Digital Currency Address—USDT TR18rEj7gWjKBJLYrowyfnvjWLTTsXGngK; alt. Digital Currency Address—USDT TRkGqvaobVp4XDNmSceRo5hDcJYDTFmYjd; alt. Digital Currency Address—USDT TTct1DezYvriNWU7Wi3mygLoskkaw61mra; alt. Digital Currency Address—USDT TTUqoT6EAmi

M1xLvWVwxhjvaoEUGtKDdZ; alt. Digital Currency Address—USDT TTzMs5AR66jr9mQMkWFCHVwd3AiLLYPepQ; alt. Digital Currency Address—USDT TUKsuPVb8kgJVFp5x528KC5HisUVdxdxami; alt. Digital Currency Address—USDT TVDsEFm19zLV8HeXdt6G75rLroxnp6uqpV; alt. Digital Currency Address—USDT TVu2SiQrWSnfwk8quAeDxfiaLy6FHzYkMA; alt. Digital Currency Address—USDT TVyiDQ25H6Rx6PcNV1WYjGasGSa8ehj1Uv; alt. Digital Currency Address—USDT TW3RghbYkFEFnmRj9mE9b83T9XYSMKjwuD; alt. Digital Currency Address—USDT TWwv8FQIES3yHGig7y3zJWYuPaZfSV3vmY; alt. Digital Currency Address—USDT TXc4kRiMEcdXRxWpSKKD5qKaARExN4uxPq; alt. Digital Currency Address—USDT TXFUYHVJMDyKikutvCG6qNgTUS5pztZhHs; alt. Digital Currency Address—USDT TYD6a4PAAfAgegEdDf9oZUnW4DFmS8jeFT; alt. Digital Currency Address—USDT TYK29mbyvVxLaLUKdFSTRADMwoxaVbVZQg; alt. Digital Currency Address—USDT TYxwUhoLPF7AgfG9GaXFEp8CQi8K8KG1m3 [DPRK4].

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2025–19924 Filed 11–14–25; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Quarterly Publication of Individuals, Who Have Chosen To Expatriate

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

This notice is provided in accordance with IRC section 6039G of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended. This listing contains the name of each individual losing United States citizenship (within the meaning of section 877(a) or 877A) with respect to whom the Secretary received information during the quarter ending September 30, 2025. For purposes of this listing, long-term residents, as defined in section 877(e)(2), are treated as if they were citizens of the United States who lost citizenship.

Last name	First name	Middle name/initials
ABAJOLI	SEBASTIEN	GEORGES THIERRY
ABRAMI	OSHIN	
ADAIR	HELEN	MARY
ADAIR	JANNA	LEE
ADAIR	THOMAS	JAMES
ADAIR	WILLIAM	KIRKWOOD
ADAMS	CHARLES	GIDEON
ADAMS	SUSAN	LYNN
ADAMSON	AMY	
ADDAWOOD	IYAD	ABDULMOHSIN
ADDERLEY	AMY	STONE
AHMED	ZUMAR	
AHO	LAURA	MARIA
AKAE	MEGUMI	
AKITT-PATTERSON	BETH	ALAINE
AKOMAH	JEFFREY	KWAFO
ALBERT	ANATHEA	MICHELLE
ALBERTI	ANGELE	ALEXANDRA MARIE
ALBERTI	MARTHA	LYNN
ALBINO	WILLIAM	MICHAEL
ALDEKHAYYIL	FAISAL	ABDULLAH
AL-JABI	WAEI	
ALLEN	BENJAMIN	NORMAN
ALLEN	EWAN	ARTHUR
ALLEN	FABIAN	HORATIO
ALLEVATO	JOSEPH	JAMES
ALMAHMEED	TAGHREED	
ALMUSA	LORRAINE	ESTHER
ALPERT	ALAN	JAMES
AL-RASHED	RASHED	ABDULAZEEZ
ALT	SHARNA	CRICKET
AMALIKSEN	INGVID	
AMANN	MARKUS	
AMAR	MAYA	
AMIRZAI	ARYUB	
ANDERBERG	RUTH	INGA
ANDERSON	PETER	CARL
ANDERSSON	CHRISTOPHER	KARL OLOF
ANDERSSON	MIKAEL	ERIK
APPENZELLER	HELENA	BARBARA
ARAICHE	DANIELLE	MARIE
ARANHA MACKENZIE	LORI	JO
ARBID	SAHAR	
ARENDT	NICOLE	JACQUELINE
ARIE	MARGARET	ELEANOR
ARQUISCH	AGNES	
ASHTON	SARAH	HELEN
ASKEY	DALE	STEVEN
ASKEY	JENNIFER	DRAKE
ASPELL	JAMES	ANDREW
ASSAF	ROBERT	LEO
ATTARD	BONNIE	ELAINE
ATTWOOD	KATE	KANTER
ATTYANI	KAMAL	
AUBE	MARY	ELIZABETH FERNANDE
AUBE-FRENETTE	MARC-DAVID	
AUERBACH	ANDREW	DAVID
AVINI	AVID	KAMRAN
BADERTSCHER	PATRICK	
BAER	SUSAN	
BAID	NEERAJ	
BAILEY	CHARLES	HENRY
BAILEY	EMMA	LOUISE
BAKER	LESLIE	ANN
BALL	ERIC	LADD
BALLANTYNE	ALEXANDER	STEWART
BALLANTYNE	KIT	
BALLANTYNE	MARGARET	CATHERINE
BALTENSPERGER	AISHA	
BALTHAZARD	MYCHELLE	GRINETTE
BARBERIS	BEAU	DEE
BARBOUR	PAUL	
BARDOUL	PATRICK	MICHEL PIERRE
BARNETT	TIMOTHY	C. D.

Last name	First name	Middle name/initials
BARON	TIMOTHY	GLENN
BARRETT	BENJAMIN	JOHN
BASTIAN	DONALD	GREGORY
BATES	ROBIN	BRYAN
BAXTER	GERALD	ALLEN
BAXTER	SCOTT	ALLEN
BAYLIN	DEBRA	JANE
BEARMAN	MARGARET	LYNN
BEASLEY	AMEL	CLARKEY
BEASLEY	TYLER	JAMES
BEATTIE	LEBINH	
BECHARD	RENEE	ROSE
BECK	LANION	LEIGHTON
BEDROSSIAN	SOPHIE	GILLIAN
BEER	SOPHIE	NICHOLA
BEGG	RACHEL	ALEXANDRA
BEHL	VIRGINIA	RAE
BEHN	LAURA	MICHELE
BELL	COLLEEN	VICTORIA
BELL	JOHN	EDWARD
BEN-CHOREEN	AVIVA	RIVKA
BENICK	GAIL	SUE
BENNETT	ADAM	JACKSON
BENNETT	AIMEE	JO
BENSON	AARON	MICHAEL
BENTLEY	RACHEL	ANNE
BERDAT	DANIEL	ANDRE
BERETTA	JENNIFER	ISADORA
BERETTA	JULIE	ELSA
BERG	MICHELLE	LEE
BERGERON	CAROLINE	LEA
BERGSTEDT	NICHOLAS	PIERRE
BERNARDO	ARVIN	GERARD
BERNS	LINDSEY	G.
BESPFLUG	DARYL	ROBERT
BIANCHI	CRISTOBAL	RAUL
BIANCHI	PAOLA	SELMA GARZONI
BIGELOW-FOSTER	ANNE	BINGHAM
BILANSKI	LINDA	MAE
BILLER	SHONA	ANN
BILLINGSLEA	JESSICA	
BILLOT	ETIENNE	JULIEN
BINNIE	KENNETH	JOHN
BIRKY	MARTY	JAY
BIRTHWRIGHT	CHRISTOPHE	ANTHONY GOUIN
BISHKO	LESLIE	MARLENE
BISSELL	MARK	YALE
BISSETT	GRAHAM	WILLIAM
BLACE	MICHAEL	JAMES
BLAKE	IAN	FRASER
BLAKE-WILSON	BRIDGET	MARY
BLOM	EMILY	
BLOMBERG	CHRISTOPHER	KIM
BLONDEL	LOUIS	
BLUESTEIN	GIULIA	SESSA
BODMER	VICKY	LYNN
BODNARCHUK	MARGARET	SUSAN
BOGATY	SOPHIA	ELIZABETH ROPE
BOHREN	MATTHIAS	ANDREAS
BOIKO	DARIA	
BOIN	KRISTINE	JOANNE
BOLTER	DAVID	THOMAS
BOND	MICHAEL	ROBERT
BOOMER	GEOFFREY	GEORGES
BORDEN	CAROL	ANN
BOREHAM	BEVERLY	ANN
BORTH	SONIA	FERREIRA
BOSCHUNG	JESSICA	DEBORAH
BOSWELL	LINDSAY	ALICE
BOURNE	SUSAN	GAIL
BOYD	EUGENIA	STRAHAN BEATTY
BRACKS	CAROLYN	THERESE
BRADLEY	CHRISTINE	ELYSE
BRANNAN	MARIA	THERESE EILEEN

Last name	First name	Middle name/initials
BRATSBERG	JORGEN	BERCKENHOFF
BRATT	WANDA	JEAN
BRAZELTON	DONNA	JEAN
BREEZE	BRENT	WILLIAM
BRENCIC	VICTORIA	RENEE
BRITTON	AMELIA	
BRITTON	SUSAN	KATHLEEN
BROCHU	CAROL	LISE
BROCKLEHURST	SYLVIA	MARACICH
BROGAN	HELEN	KATHLEEN
BROOKS	SUSAN	MERYL
BROST	BRANDON	JOSEPH
BROUGHTON	KIM	FRANCES
BROWN	CHRISTINE	ROSALIN DORIS
BROWN	FREDRIC	SCOTT
BRUNE	DIANE	MARIE
BRUNGAR	ERIK	GUNNAR
BRUNNER	EVELINE	LIN
BUCHMUELLER	ASHLEY	ELISE
BUCKENS	VINCENT	JEROME
BUCKLEY	EMANUEL	
BURCH	KRISTOPHER	KELLY
BURGESS	JOHN	LEWIS
BURGESS	KYLE	ALEXANDER
BURKE	ALICIA	ELIZABETH
BURNETT	DIANA	JO
BURNETT	RUSSEL	TODD
BUSAT	RITA	CATHERINE
BUSBRIDGE	MATTHEW	GUY
BUTLER	MAKI	H.
BUTTERFIELD	ELIZABETH	STANFORD
BUXTON	SOPHIE	IRENE
BYNA	KATHERINE	SUE
CADBY	MARTIN	HENRY
CADICK	MARY	ANN
CAMERON	HUGH	ROBERT
CAMILLERI	THERESE	GARNETT
CAMPBELL	ALEXANDER	WILLIAM
CAMPBELL	CALLUM	IAIN
CAMPIONE-KARPENKO	ANNIS	RUTH
CAMPOS SCHWEITZER	JORDI	ENRIC
CANNON	JANE	MARIE
CARDELL	WENDY	LEE
CARDOZE-HENRIQUEZ	ROGELIO	ANTONIO
CARMEL	DANIELLE	LEBLANC
CARMODY	CHIOS	CLINTON
CARMODY	DAPHNE	EMILY
CARPENTER	GRANT	THOMAS
CARRICK	KENNETH	MALCOLM
CARTER	REBECCA	JANE
CARUSO	AGNIESZKA	MARIA
CASEDAY	MARKUS	CHRISTOPHER
CATT	JEREMY	GRAHAM
CATTANEO	MARIO	STEFANO
CERNIGOI	ADRIENNE	
CERVENY	ELIZABETH	ANGELA J. E.
CHAFFEY	KARL	HOWARD
CHAIKEN	KIM	MELANIE
CHAN	CHI	CHIU
CHAN	LILIA	LIM
CHANDRAN	MANJU	
CHANG	HYE	WON
CHANG	JAE	CHIL
CHANG	JEFF	
CHANG	WALTER	
CHAPMAN	HELEN	KATE
CHAPPELLE	CHRISTOPHER	SCOTT
CHARLTON	JOELY	KATHERINE
CHARMER	CASSANDRA	SUE
CHE	JODY	JUN REN
CHENG	YUE	CHING
CHEONG	CHOY	SHIN
CHEUNG	LIANA	LI ING
CHEUNG	YUET-PANG	STEVEN

Last name	First name	Middle name/initials
CHEVALIER	RAYMOND	
CHIANG	JOSEPHINE	WU
CHOU	PAY	SION
CHOUINARD	NAOMI	ELISHEVA
CHOWDHURY	OLIE	
CHRISTENSEN	CHIE	
CHRISTIANSEN	JORG	THEODOR
CHRISTY	RACHAEL	MICHELE
CHUG	PARTH	CHAITANYA
CHUNG	MINSI	
CHUNG	WOO	JIN
CLAIRMAN	HOLLI-ELLEN	SCHLOSSER
CLAMP	CAITLIN	HARRIET
CLEGG	LAURA	BETH
CLEMENT	SHERA	RAQUEL
CLINTON	DOUGLAS	EDWARD
COBURN	KENNETH	TREVOR
COCKERLINE	JOANNA	ELIZABETH
CODAZZI	THOMAS	
COEN	SOPHIA	ROSE NIERLICH
COHAN	JASON	MOSES
COHEN	MICHAEL	ALBERT
COLE	MICHAEL	JOHN
COLUCCI	LUCIANO	
COMMONS	ROSE	MARY
CONNALLY	KORIN	SUNG IL
CONNELL	GREGORY	JAMES
CONNOLLY	MARGARET	MARY
CONSTABLE	GABRIELLE	RACHEL
CONSTABLE	LOUISE	VAUGHAN
CONTE	SEAN	MATTHEW
COOPER	SHEILA	EVELYN
CORDRAY	WILLIAM	CHARLES
CORMAGGI	FRANCESCO	
CORMIER	JAMES	FRANCIS
CORMIER	MICHAEL	JAMES
CORRIGAN	EMMA	VICTORIA
COTE	KIMBERLY	ANN
COTTON	HEIDI	DENISE CLARE
COTTRELL	JILLIAN	
COUGHLIN	LAURA	KNIGHT DAY
COURCHESNE	DEITRE	JILL
COURVILLE	LYNN	ELENA
COX	CHRISTOPHER	JAMES
COX	JONATHAN	MATTHEW
COYLE	SUSAN	FRANCES
CRAIB	JOHN	LIGERTWOOD
CRASHLEY	MARGARET	LOUISE
CREWS	YUKI	
CRISTALLO	ANA	CRISTINA BERGAMINI
CRITCHLOW	MARGARET	SHANNON
CROSBIE	TESS	MARY ESTHER ANNE
CRUICKSHANK	KAREN	MARIE
CSONT	DAVID	
CULLETON	RAYMOND	GORTON
CUMMINGS	ZOE	MCCARRICK
CURRAN	CARIE	LYNN
CURRIE	PEGGY	ANN
CUSHING	THOMAS	SHAWN
DADSWELL	ADAM	WAYNE DURBIN
DAGENAIS	NATHLIE	RAPHAELLE
DALLAIRE	ISABELLE	
DANARD	CHARLOTTE	RUTH
DANESH-CLOUGH	HELENA	ZARA
DANESH-CLOUGH	JONATHON	NOVIN
DANESH-CLOUGH	MAXWELL	NAVID
DANN	CAROLYN	PATRICIA
DARWICHE	MONIKA	
DAUGHTERY	CHRISTOPHER	JOHN
DAVID	FLORIANE	NICOLE
DAVIES	BRYN	ASCHER
DAVIES	CETHLAN	FREDERICK
DAVIES	CHRISTINE	ANN
DAVIES	LAURA	LYNN

Last name	First name	Middle name/initials
DAVIES	TERESA	JEAN
DAVIS	BETTY	CYNTHIA
DAVIS	FAITH	GLADYS
DAVIS	MARK	
DAVIS	SCOTT	FRANCIS
DAVIS-SLADE	KATHRYN	ANN
DAWKINS	BARBARA	JEAN
DAWKINS	KYLE	L.
DE FORESTA	CELIA	QUISQUEYA
DE GOOYER	ZACHARY	JOHN
DE GRUYTER	MICHAEL	JOHN
DE REUS	ADRIAAN	JASPER
DE SILVA	SAMPATH	
DE SIMONE	MARIA	PIA
DE VREIS	NATALIA	ANNA
DE WEIJER	RACHELLE	MONIQUE
DE WEIJER	RYAN	MARTIN
DE WINTER	YVONNE	CHANJO
DEAN	KRISTIANA	FRANCESCA
DECKE	EMILY	MADELEINE LOUISE
DECKERT	RONALD	JOSEPH
DELANEY	ANDREW	PHILIP
DELLA VALLE	ANNA	PAOLA
DELLER HAIGHT	MARGOT	
DEMERIS	ELIZABETH	MARIE
DEMOE	LAUREN	CELINE
DENSON	NIDA	
DEPIERRE	JULIE	VALENTINE
DERCHE	ANTOINE	
DERRER	RICHARD	DAVID
DESMARAIS	JOCELYNE	LISE
DEUTSCH	BENJAMIN	STEPHAN
DEVOR	TRUMAN	ANDREW GEORGE
DEVRIENT	ANNE	GOODE
DEWINGS	PHILIP	MARK
DILBERT	NELSON	LEE
DILLEY	LISA	EMMA
DIMECH	CRAIG	ANTHONY
DIMOND-GIBSON	KATHARINE	CLAIRE LOUISE
DIMOND-GIBSON	MATTHEW	JOHN ONEILL
DIRKSEN	ANTHONIA	WILLEMINA
DIXON	JOHN	EDWARD SAMUEL
DIXON	KENNETH	LYLE
DOERING-DINKEL	TERESA	DOROTHEA
DOERSAM	EV	INGRID
DOIL	LINDA	YVETTE
DOMEISEN-KIM	ELIZABETH	KYUNGHAH
DOMINICE	MELISSA	IRENE
DONALDSON	KRIS	ALAN
DONKERVVOORT	JANET	BALDREY
DOSHI	MANOJ	GAJENDRA
DREBERT	DAVID	ERNEST
DRIESSEN	MEREL	LOUISE
DRISCOLL	KATHLEEN	ANNE
DU PLOOY	TINA	MARIE
DUFFIELD	CRIG	EDMUND JAMES
DULANEY	MATTHEW	JOHN
DUNKLE	KRISTINA	HELMECKE
DURANT	MASON	JOSEPH
DVORAK	DANIEL	
DWORKIN	ALEXANDER	CHARLES
DYSON	TAMMY	LYNN
EATON	CHRISTOPHER	FRANK
EATON	JONATHAN	BRUCE
EDEL	PHILIP	ROGER
EDELL	DENNIS	NELSON
EDWARDS	LEIGH	RONALD
EDWARDS	SUSAN	ELAINE
EFTHYVOULOS	CHARISSA	ANETTA
EHATAMM	LEMMIKI	
EHRHARDT	KAI	
EINSTEIN	TAMAR	YOSEFA
ELLEN	JUDY	LYNN
ELLISTON THOMAS	JANE	WALLACE

Last name	First name	Middle name/initials
ELSENER-GLANZMANN	IRIS	CAROLYN
ELSNER	MICHAEL	JOSEF
ELTSCHINGER	DIANA	
EMISON	COURTNEY	ALYSSA
ENGSTROM	MARK	DOUGLAS
ENSZ	DELBERT	RAY
EPP	KATHERINE	BLAIRE
ERALP	IBRAHIM	LEVENT
ERIKSSON	MARIA	HELENA
ERTAN	MEHMET	EMRE
ESTERSON	SARAH	LOE
ETSCHINGER	DIANA	
EULER	ZACHARY	SULIN
EVANS	ANDREA	VANESSA
EVANS	ELIZABETH	ANNE
EVANS	SHARA	
FAITHFULL	INDIANA	
FAITHFULL	RHIANNA	LEE
FAKHOURI	DEEMA	
FALKINER	MARILYN	D'ARCY
FALL	NICHOLAS	ALEXANDER JULIAN
FAN	KEVIN	
FANKHAUSER	ZORAH	
FARR	CAROLYN	MAY
FARR	MARJORIE	JANE
FARRELL	JUDITH	MARY
FAVRON	HELENE	
FEENEY	MICHAEL	PATRICK-EDMUND
FEHR	FRED	WILLIAM
FENDERSON	CAROL	ANNE
FERGUSON-HELLER	KAHUTIA	TE RANGI ERRGONG
FERLAND	NANCY	MARIE
FERNEINI	PATRICK	
FERRAZZI	MARIA	
FERREIRA	CRISTIANA	GRETHER
FIDLER	DONNA	
FIELD	MONTE	ALLEN
FINDLEY	ROBERT	ELDON
FINNEY	ADELE	ANN
FIORANELLI	JESSE	ANDREA
FISHER	MERYL	ROSLYN
FLEMMER	CATHERINE	JANE
FLETCHER	JOEL	MATTHEW
FLETCHER	KAREN	GAY
FLINNER	ANNIKA	
FLINNER	NADINE	BEATE
FLYNN	SEAN	MARTIN
FOCH	ALEXANDER	TIMOTHY
FOCH	CAROLINA	LARA
FOELLMER	MORITZ	JOHANNES
FORAN CRAIG	ANGELA	MARY
FORD	IAN	THOMAS
FORD	VIRGINIA	ELIZABETH
FOSBERY	IAN	THOMAS
FOSSUM	MICHELE	CHRISTINA
FOUAD	AMIR	ALEXANDER
FRAIWAT	ZIAD	SAMIR
FRANCESCO	NICHOLAS	GIAN
FRANCIS	MARK	MICHAEL
FRANCIS	SHANA	DARLENE
FRANKS	LISA	KATHRYN
FRASER	ALANA	LESLEY
FRASER	GLENN	R.
FRASER	NORMA	JEAN MAC MILLIAN
FRASER	REBECCA	LOUISE
FREEMAN-MILLS	GEORGIA	BEATRICE ROSE
FRETT	DENNIS	
FRISCHKNECHT	SIBYL	SUZANNE
FROSSARD	ALIZEE	ALDEN ANNETTE
FRY	FREDERICK	CHARLES JOSEPH
FUATAI	KAYLARINA	FAAFETAI
FUCHS	MATTHIAS	
FUCHS	TINA	ANDREA
FUJIMOTO	HIROKA	

Last name	First name	Middle name/initials
FUJITA	YASUKO	
FUNKE	JULIUS	WILHELM
FURLAN	MARY	MARGARET
FURLAN	NICOLAS	JEAN-PHILIPPE
FURLAN	STEPHANIE	ELISA MARIE
FURUKUWA	KEN	
FURUKUWA	MASAKO	
GAD	YOAV	
GADSDEN	LILLIAN	SOPHRONIA
GAGE	STANLEY	ROBERTSON
GAGNON	JEAN	
GALLAGHER	TERESA	MARY
GALSON	SAMUEL	JONATHAN
GARAUD	LAURA	AGNES
GARCEAU	PATRICK	
GARCIA	NATHALIE	
GARDNER	HENRY	JOHN EDMUND
GARRISON	CLAIRE	LOUISE
GARTRELL	JOHN	MICHAEL
GARVIN	CHRISTOPHER	JOHN
GARZA	CAROLA	
GARZA	MAYA	
GATES	GREGORY	BRANDON
GAUCHAT	LAURENT	ROBIN
GE	XUAN	
GEEL	PATRICK	
GEIGER	JOHANNES	FRITZ
GERULATH	KARL	MICHAEL ALAN
GETTY	PATRICIA	ALISON
GHEEWALA	ANJLI	
GIBSON	ELIZABETH	ANNE
GIBSON	RAPHAELLA	ANAIS EMILY
GIFFORD	JEAN	KATHRYN
GILBERT	RUTH	CECELIA
GILES	DORIS	
GILES	RONALD	
GILL	JUSTINE	RATCLIFFE
GILLIES	JACK	WROTH
GILLIGAN	PETER	ALAN
GILLIS	STEVEN	ROBIN
GILMOUR	ALICE	
GIOVANNINI	MARCELA	EDITH
GLADHAUG	MIKKEL	ARNE PRYDZ
GLANNAZ	JENNIFER	BARBARA
GLOVER	ALISE-ANN	HOPE MARIE
GODFREY	JANA	CAROL
GOLDBLATT	EDEN	
GOLDSACK	PAMELA	RICHARDSON
GOLDSACK	VIRGINIA	MARJORIE
GOLLU	SRIRAMA	CHANDRA RAO
GONG	SHIHAN	
GONG	SHIMIN	
GONZALEZ	STEFAN	
GOPAL	SRIKUMAR	
GORMAN	PEGGY	ANNE
GOTTLIEB	LISA	CAROLINE
GRAHAM	CHARLES	ALAN
GRANT	ALEXANDER	EDWARD
GRASLEY	ETHAN	MITCHELL
GRATTAPAGLIA	RAFAEL	PORTELLA ALMEIDA
GRAVOUEILLE	JANET	CLAUDIA
GRAY	HEATHER	JEAN
GRAY	HEATHER	MARIE
GRAY	NINA	BARBARA
GREEN	KATHERINE	MARGARET
GREENING	JEREMY	CHRISTOPHER
GREGORY-BARNS	KATRIINA	LAURA
GRIFFIN	CHLOE	
GRILL	ROBERT	FRANK
GROOT	ANITA	OLGA
GROSS	BLAKE	EVAN
GROTSKY	ELYSA	BELLE
GROULX	VALERIE	MARIE ALINE
GULDIMANN-DEGEN	ROMA	VIRGINIA

Last name	First name	Middle name/initials
GUNASEKARA	SWINITHA	M.
GUNDECHA	SAPNA	A.
GUNDLACH	STEPHANIE	CHRISTA
GUPTA	MANJU	ASHOK
GURULE	HEIDI	NADENE
GUTJAHR-LOCHER	ELLEN	BARBARA
GYR	MICHAEL	JOHANN
HABIB	FOUAD	SAMI
HABOUSH	DANIEL	LEWIS
HADJIOANNOU	IOANNIS	
HAEFNER	JAKE	RANDALL GERARD PATRICK
HAGGART	JEANNE	MARIE
HAHN	KURT	LIESE
HAHN	TIMM	FLORIAN
HAINES	AMIRA	ROSELYN
HALL	ALEXANDER	MARTIN
HALL	JAMES	PETER MAURICE
HAMAD	NATALIE	
HAMEL	VIVIANNE	ROSE AVE
HAMILTON	LISA	KAY
HAMILTON	ROBYN	ANNE FRASER
HAN	VALENTINA	ISABELLA
HANDELMAN	DAVID	JAY
HANEDA	YASUMI	
HANSEN	MICHAEL	SCHERBECH
HANUTSAHA	TIAN	
HANVEY	CAITLIN	
HARDY	JOYCE	ELIZABETH
HARDY	KATHLEEN	ANN
HARE	VICTORIA	JANE
HARLEY	CAROL	YOSHIKO MCILROY
HARMSWORTH	CLAIRE	VANESSA
HARPER	DARLA	LEANNE
HARRIS	SARAH	LUCIA
HARROLD	JOHN	THOMAS
HARTMANN	JULIA	EVELYN
HARVEY	SAMANTHA	JAY
HARWOOD	DAPHNE	
HASEGAWA	MASAHIKO	
HASELER	PHILLIP	DENNIS
HATALLA	NAOKO	
HATFIELD	KAREN	LESLIE
HAURI	STEPHAN	MARTIN
HAYE	JONATHAN	ANDREW
HAYES	ELIZABETH	DIANE
HAYES	KENNETH	DONALD CHARLES
HAYES	MARY	EMILY
HAYES	SARA	ANNE
HAYNES	GORDON	BRENT
HAYWARD	TORBJORN	
HEAD	CHARLES	MICHAEL
HEAD	LISA	SUSAN
HEADLEY	DELLA	LEE
HEBERT	NANCY	
HEDEMAN	MARY	JANE
HEDEMAN	RANDALL	
HEESE	MORGAN	ELIZABETH
HEINEN-SINGAL	MELINDA	ANN
HEINZ	MATTHEW	
HELFRICH-PANZE	PATRICIA	PETRA MARIE
HELKE	THERESA	SOPHIA CAROLINE
HENKE	WAYNE	EDWARD
HENRIQUES	GISELE	MACIEL
HERMONAT	MARK	WILLIAM
HERNANDEZ	FERNANDO	ALEJANDRO
HERNANDEZ	TINA	BARBARA
HERR	CHARLES	RAYMOND
HERRMANN	JUERGEN	TILO
HESS	JANNIKE	JULIE
HETLAND	REBECCA	ANNE
HEWITT	JUSTIN	ROBERT
HIGHTOWER	ADAM	J.
HIJDRA	DYLAN	MAARTEN
HILL	BRIAN	THOMAS

Last name	First name	Middle name/initials
HILL	EVILOU	
HILL	JEREMY	GILES GLENDON
HILL	SALLY	FRANCES
HILL	SUSAN	JANE
HILLMAN	SILVIA	ALMUT
HINRICHS	GRAYSON	DANTE DUTTON
HIRAI	YUMIKO	
HIRAYAMA	HIROMI	
HIRAYAMA	KAZUTO	
HIRONAKA	KEIJI	
HIRVONEN	HANNA-MARIA	
HOBAN	MICHELLE	MARIANNE
HOBBS	MEREDITH	DANA
HODGE	RACHEL	
HODGE	STUART	KEVIN
HOFFMAN	RUTH	ELAINE
HOFFMAN	SHELLEY	JANE
HOFWEBER	CHERYL	LOUISE
HOICKA	KATHLEEN	MARIA
HOINVILLE	DAVID	MARTIN
HOISINGTON	CAROLINE	GODDARD
HOLGATE	MARGARET	ELIZABETH
HOLLAND	VALERIE	FRANCINE
HOLLIDAY	MARY	RUTH
HOLLOWAY	DAVID	MICHAEL
HOLM	JERI-ANN	
HOLM	REIKO	
HOLT	BRENDA	LEANN
HOLZ	CYNTHIA	NORA
HONJO	CHIE	
HONJO	ICHIRO	
HOPE	ALEXANDER	PAUL
HOPKINS	ALAN	JOHN
HOPKINS	BENJAMIN	KLAUS
HOPKINS	CHRISTOPHER	WILLIAM
HOPKINS	IVAN	JOHN THEYER
HOPKINS	MANDY	SUZANNE
HOROWITZ	BARI	
HOTSON	CHRISTOPHER	EDWIN ASHLEY
HOUSEHOLDER	ROBERT	FRANCIS
HOUSTON	CATHRYN	JANE MARJORIE
HOWELL	AMANDA	
HOWELL	RICHARD	K.
HOWLEY	GARY	JAMES
HSIEH	TUNG	HAN
HSU	CATHERINE	PEI-LIN
HU	SIMON	
HU	YIKE	
HUANG	ETHAN	
HUANG	SHIH	HAO
HUG	THOMAS	GERHARD JOSEF
HUGHES	ALICIA	SAMORN
HUGHES	DEVON	ROSS PETTEY
HUGHES	JOHN	CHARLES
HUIBERTS	TIMOTHY	ALLAN
HULL	KATHERINE	LEIGH
HUNTER-WALSH	HARRISON	EDWARD
HUSTING	CLAIRE	CATHRIN
HUSTIS	NANCY	LEIGH
HUTTON	RICHARD	LEE
HUZEL	JENNIFER	
IANZITI	GARY	J.
IIDA	ERIKO	
IJIMA	KEIKO	
ILS	ANJA	
INGLIS	MURRAY	DARRYL
IRIAWAN	DENNY	ROBERT
IRIAWAN	MEGAWATI	
ISHIGURO	EDWARD	EIICHI
ITAYA	SHOKO	
JACKS	DAVID	STEVEN
JACOBSON	ELIZABETH	FAITH
JACOBSON	GAIL	RASCO
JADO	ISMAIL	ABDUL RAOF

Last name	First name	Middle name/initials
JAMES	JEREMY	EDWARD
JAMES	NANCY	KATHRYN ELISABETH
JAMMERS	JULIANNE	THOMAS
JANUSKY	ANTHONY	WALTER
JANZEN	DANIELLE	MARI
JANZEN	NAOMI	JEAN
JARJOUR	MARC	
JEAN	MELANIE	SARA
JEFFERIES	IRENE	ELEANOR
JENKINS	LYNNE	SUZANNE
JENNI	MELISSA	BETH
JENNINGS	DEANNA	CHRISTINE
JENSEN	HAZEL	LOUISE
JENSEN	JORGEN	BJORNEVAD
JESINGHAUS	GRETA	
JIANG	JENNIFER	YANG
JILLISSEN	GAIL	MAUREEN
JOBIN	LUCIE	
JOFFE	ADA	
JOHANSSSEN	CHRISTIANE	BEATE
JOHNSON	ELIZABETH	SARAH
JOHNSON	GLENN	ANDREW
JOHNSON	KIAN	STUART CLARK
JOHNSTON	MARY	
JONES	CHRISTOPHER	DENNIS
JONGEN	ERICA	WENDY
JONSSON	JON	GREGERZ
JORGE-FINNIGAN	CONRADO	
JOYCE	THOMAS	GERARD
JUKES	STACEY	LYNN
JUTZI	VALENTINA	JULIA
KABRA	RUCHA	PRASANNA
KADISH	SHANE	DANIEL
KAMASA SCHLUMPF	LOTTE	CHRISTINE
KANDEL	CHRISTOPHER	EDWARD
KANE	NICHOLAS	ISAAC
KANG	JI	EUN
KANT	AVANISH	
KANT	SANGEETA	
KARATSUMA-DOODIGIAN	RINA	
KARLSEN	KATHRYN	SUZANNE
KARRI	HIMAJA	
KARTHAUS	WOUTER	RICHARD
KASSOUF	LENA	
KAUFMAN	CLAIRE	MIREILLE
KAY	KRISTIN	ALEXANDRA MARY
KEENAN	IAN	BRANDON
KEI	CHRISTINA	NARI
KELLEY	CHARLES	GREGORY
KELLY	KIERAN	HENRI
KELLY	KIRSTIN	HEATHER
KEMPEL	KATHLEEN	ELIZABETH
KENDALL	MELLISSA	ROBIN
KENNEDY	SARAH	JANE
KENWORTH	TODD	ANDREW
KERMALLY	TURABALI	Z.
KERSTEN	PHILIP	
KETTNER	JACOB	MATTHEW
KHA	GORDON	
KHALIL	RAMI	
KHAWAJA	ARBAZ	HASAN
KHAZANI	MICHAEL	
KIBERD	MATHEW	BRYCE
KILLORAN	ERIN	ROSEMARY GOODSTADT
KIM	JAEJOON	
KIM	JE	HEE
KIM	KIHONG	
KIM	MAN	SANG
KIM	SAM	YONG SANG
KIM	SE	YOUNG
KIM	SEONG	HEE
KIM	SOO	BUM
KIM	WON	KYUNG
KIM	YONG	KYUN

Last name	First name	Middle name/initials
KIM	YOON	JA
KIMES	ENID	LOUISE
KIMPTON-CUELLAR	JALIN	ANTHONY
KING	STACEY	LYNNE
KINTER	LISA	ANN
KITOWSKI	RAPHAEL	
KLAASSEN	DAVID	GERHARD
KLANDERMAN	JASON	ALEXANDER
KLEIN	INGO	
KLOSE	DANIEL	
KNOX	BETH	ELLEN
KNUTTILA	AMANDA	LEE MARIANNE
KOEPPLINGER	GEOFFREY	DAVID
KOFFYBERG	JOSETTE	GLADYS
KOGA	TAKIKO	
KOHLER	KIMIYO	H.
KOHLER	RICHARD	ARTHUR
KOMANS	PATRICIA	FRANCES
KOMATSU	FUJIKO	
KORSH	SASHA	SUSANNE
KORTSCHAK	ERNEST	WERNER
KOTANI	YAEKO	
KOVEN	KATHERINE	SMUCKER
KOYANAGI	CHIKA	
KRACHUN	CARLA	SUSAN
KREPS	LISA	ELLI
KRISHNAN	AARTI	ANANTH
KRISTJANSON	KATHY	ANN
KROMBERG	MARIE	S.
KUBOTERA	MICHIKO	
KUCHTARUK	ADRAIN	ANDREW
KUGELMEIER	ANDREAS	
KUK	JENNIFER	LINCHEE
KUKENYS	IGNAS	
KUNG	JESSICA	
KUNG GUGLER	ANNE	
KUNWAR	REVANT	
KUNZE	THOMAS	KARL
KURY	SOPHIE	CLAIRE
KUSHNER	MARIAN	RUTH YORK
KWON	YONG	RAE
KYRIACOU	ALEXANDER	ROBERT
LABRECQUE-BELANGER	EMILIE	
LACERTE	MARYSE	
LACHNER	CHRISTOPHE	
LAJEUNESSE GRABOSKI	WENDY	NOELLE
LALANI	NADIM	
LAM	LOUISE	NICOLE
LAM	MARK	EN
LAMARRE	MAXIM	
LANDOLT	SUSANNE	URSULA
LANE	NAOMI	
LANG	PHUNG	THI KIM
LANOIX	ERIC	LOUIS-MARIE
LAPELLE	DOROTHY	JUNE
LARSEN	BJORN	M.
LASHER	ERICA	JEANNINE
LASS	CHRISTINE	ANN
LASS	MADELINE	MARTY
LAU	CHRIS	HAK-WAN
LAU	NATALIE	DIC HANG
LAURORA	PATRICIA	ALEJANDRA
LAVIGNE	ALEXIS	LOUIS
LAWRENCE	JOSHUA	JOHN
LAWSON	CAMILLE	LYNN
LAYBON	TRULA	ANN
LE	NAMNGAN	THI
LE BOURDAIS-COFFEY	MARIE	YULAN
LE DANVIC	CHRISTELLE	
LEA	AMANDA	PRINCE
LEA	SUSAN	LOUISE
LEBREUX	BENJAMIN	
LEE	FALICIA	
LEE	HYUNG	GEUN

Last name	First name	Middle name/initials
LEE	JANG	EUN
LEE	KYUNG	AE
LEE	REBECCA	JANE
LEE	SHIANG-CHI	PHILIP
LEE	SO	JUNG
LEE	SZE-YAN	
LEE	ZACHARY	HANO
LEGG	CHRISTOPHER	PETER
LEIBIK	ELIZABETH	BERTHA
LEITZELL	CHRISTOPHER	PAUL
LEKSTRUM	TAMARA	
LEMARQUAND	GRANT	READ
LEMARQUAND	WENDY	J.
LEMIEUX	SOPHIA	MELODIE
LESTER	JACQUELINE	BRIDGET
LEVINE	CATHERINE	ESTHER AMARINA
LEWIEN	TEGAN	ELSIE
LEWIS	THOMAS	J.
LI	HUAYU	
LI	XIAO	DING
LIAO	HAN	J.
LIBMAN	CHARLOTTE	ANN
LIE	CAROL	HODGE
LIGOT	SOPHIE	JULIETTE
LIN	SHERRY	CHEN
LIN	XIN	
LINDEMANS	ERIC	JAN
LINDEN	ANDREA	ANNE
LIND-PETERSEN	CAROL	ANN
LIPINSKI	COLLEEN	MARY
LITZLBAUER	KARINA	MARIA
LIZE	ROMAIN	ANTOINE
LO	PETER	KAI-FAI
LOCCHI	JOHN	RICHARD
LOCKE	JOHN	GARDNER
LOESCH	STEFFEN	GERHARD
LOFTHOUSE	MARIE	PAMELA
LOK	VAN	KEI
LOOS	BRIAN	DAVID
LOPOUKHINE	RAPHAEL	
LOUGHEED	JILL	MARION
LOWE	CLAIRE-LISE	
LOWE	VICTORIA	ROSE
LOWERY	CRAIG	SCOTT
LOWRANCE	JONATHAN	LAWSON
LOW-RIDGERS	KATHLEEN	MARIE
LUCAS	KERSTIN	
LUETZNER	MICHAEL	ROBERT
LUTHER	ALICIA	CELINE
LYNCH	BRIDGET	EILEEN
MAALA	ALVIN	BIEN
MACDONALD	FIONA	MARY
MACKAY-SIM	MATILDA	ROSE
MACLURE	KENNETH	MALCOLM
MACMILLAN	JOHN	ALEXANDER
MACNAGHTEN	ALEXANDER	
MADDEN	DANIEL	FRANCIS
MADELAINE	JENNIFER	KRISTEN
MADELEY	DONNA	MARIA
MADHOK	KALPANA	
MAEDA	TADAO	
MAGESAN	EASWAR	
MAHONEY	BRENDAN	J.
MAHONEY	JODY	M.
MALONEY	ALLAN	JOSEPH
MALPASS	FRANCESCA	CLAIRE
MAMMES	FEDERICO	A.
MANSHEIM	MATTHEW	JAMES
MANSON	DAISY	BETH
MARANA	ALESSANDRO	
MARCOTTE	DANIELLE	CARA
MARK	KEVIN	L.
MAROUF	HALA	
MARSCHKE	KAREN	LEE SANDRA

Last name	First name	Middle name/initials
MARSDEN	STEWART	EDWARD
MARSDEN	VITTORIA	ALISON
MARSHALL	CHERYL	INDIRA
MARTEL	ANTOINE	FRANCOIS
MARTEL	CHARLOTTE	MARGUERITE
MARTIN	AMANDA	ELIZABETH CLAIRE
MARZOCCHI	SOPHIE	
MATSON	MARIE	FLEUR
MATSUI	SUMIKO	
MATSUMOTO	NAOMI	
MATSUMOTO	TOYOKAZU	
MAXEINER	MARIO	
MAXEINER	NICOLA	
MAXMIN	JONATHAN	WAYLAND
MAXWELL	APRIL	LYNN
MAYER	CYNTHIA	DOROTHY
MAYER	SABINE	BARBARA
MAZZOCCO	LAURE	SANDRA
MCADAMS	ANDREA	HANNOS
MCCASSEY	MICHAEL	PATRICK
MCCABE	PATRICIA	MARY
MCCANN	NATALIE	CHIARA
MCCAVOUR	KAREN	LESLIE
MCCLELLAN	ROBERT	JOSEPH
MCCORMACK	ANTHONY	PAUL
MCCOURT FRITZ	ZOE	BENEDICTE RATNASOTHY
MCCREADY	JOHN	ROSS
MCELDERRY	HOWARD	INGRAM
MCGLADE	SOPHIE	JAYNE
MCGREGOR	COLIN	JAMES
MCGUIRE	PATRICIA	ANN
MCHUGH	KERRY	ANNE
MCINTOSH	PATRICIA	ANNE
MCKAY	STEPHANIE	ANNE
MCKINNEY	RICHARD	GREGORY LESTER
MCLEAN	REED	XAVIER
MCMULLIN	NEIL	FREDERICK
MCNALLY	AUDREY	ANN
MCNAMARA	ANETTE	OVERBECK
MCNAUGHTON	ROBERT	BRIAN
MCNEILL	SUSANNE	MICAELA
MCNULTY	ALEXANDER	PATRICK
MCVEIGH	COLLEEN	NICOLE
MEACHIN	ROSEMARY	CATALINA
MEALING	EMILY	SIMONE RAVAE
MEANEY-LECKIE	ANNETTE	MARIE
MEEKS	GEORG	BENJAMIN
MEI	LIJUAN	
MEIER	ROBERT	PAUL
MEIJER	MARTIJN	JAN
MELLUM	STEVEN	
MENDELOFF	DAVID	ADAM
MENKE	HANS	MARCEL
MENZEL	JOHAN	MORTIMER
MERCER	SARAH	LOUISE
MERKLING	SIAS	RUDOLPH
MERRITT	KAREN	ANNE
MEY	KATHLEEN	MARIE
MEYER	LUCY	ANN
MIDDLEHOFF	MATS	STEVEN
MILGRAM	DANIEL	ARTHUR
MILLER	BENJAMIN	LOUIS
MILLER	KAORU	
MILLER	NIKOLAI	ALEKZANDER
MILLER	PHILLIP	WAYNE
MILLER	SAMUEL	HENRY
MILLS	JONATHAN	K.
MILLS	RICHARD	JOHN
MILNE	JEFFREY	JAMES
MINAKI	TOMOYA	
MINAMOTO	EMIKO	
MINAMOTO	TAKAAKI	
MINER	DAVID	ELLIOTT
MINIHANE	DEREK	EDOUARD

Last name	First name	Middle name/initials
MINIHANE	MICHAEL	JOSHUA
MISAK	NATHAN	
MITANI	YOKO	
MITCHELL	ROY	CURTIS
MITTER	REBEKAH	CATHERINE
MITTERBACHER	PETER	PETERNELLA
MIURA	TOMIO	
MIYAJIMA	AIKO	
MIYAJIMA	KOJI	
MIYASHITA	AI	
MIYASHITA	YUMI	
MIZUNO	TOORU	
MOCHIZUKI	KIMIHIRO	
MOCHIZUKI	MARIA	
MOCHIZUKI	MIHO	
MOFFAT	MERLIN	EUGENE
MOFFATT	CATHERINE	JANE
MOKSIM	JULIE	HANNA
MOLINA ASPIAZU	JOSE	RAYMUNDO
MONSELL	ADAM	REIBSTEIN
MONTEIRO	RITA	RIBAS
MONTGOMERY	BRONWYN	KATE
MOODY	LISA	DIANE
MOORE	LYDIA	CLAIRE TEMPLE
MOORE	STEPHEN	WAYNE
MOREIRA	STEFANY	JENNIFER RODRIGUES
MORITA	HIROMI	
MORITA	HIROSHI	
MORRIS	AOIBHE	ELIZABETH
MORSE	MEREDITH	LYNN
MORSE	ROBERT	WILLIAM
MORTENSON	KIRSTEN	MARGARET
MOSELEY	DARRYL	THOMAS
MULLAN	RANDALL	PATRICK
MULLEN	KENNETH	
MURNER	ZOE	CHARLOTTE ROXANNE
MURPHY	DECLAN	
MURPHY	JANE	NORA
MURPHY	JOHN	KIERAN
MURRAY	ELIZABETH	ANNE
MUSKETT-FORD	THOMAS	JAMES
MUSTERS	REINIER	MICHAEL
MYERS	LEILA	ELIZABETH
MYREHAUG	JOANNE	MAXINE
NAEF	PATRICIA	ANN
NAGASAWA	MIDORI	
NAITO	MOTOMI	
NAKAHARA	KIMIKO	
NAKASHASHI	KENZO	
NAKASHASHI	MASAKO	
NAKAMURA	RIEKO	
NAKAYAMA	HIROSHI	
NAKTINIS	GABRIELE	ASTRID
NAN	YIN	
NANNARONE	DIANE	MARIE
NAVARRO	IKER	
NAVE	RACHEL	
NAVE	SALEET	MAAYAN
NEILL	JANELLE	ADRIEN
NEILLY	ELIZABETH	ANN
NELSON	DEBORAH	MARIE
NELSON	JENNIFER	ANN
NERENBERG	LUCILA	
NESHAT	BECKETT	REBA MARIE
NETTLETON-HIGGINS	ANN	MARIE
NEUFELD	KATE	MORRISON
NEVAN	NICOL	
NEWBOLD	BLAKE	STEPHEN
NEWMAN	CRYSTAL	ANN
NEWMAN	OPAL	LEONITA
NG	VICKY	LAP-YIN
NGOC	MICHEL	MY NGUYEN
NICHOLS	KAREN	LYNN
NICHOLS	MICHAEL	RAY

Last name	First name	Middle name/initials
NICKEL	DENISE	LAURENE
NICKERSON	KAITLYN	AMANDA
NICKLE	DONALD	WESLEY
NICOLLE	SANDRA	INDAH
NIEMAN	INEKE	MARIANNE
NIGH	EDWARD	JORAM
NISHIDA	HARUO	
NISHIGUCHI	MASATOSHI	
NISHIMURA	KANAE	
NISHIO	JOHN	MICHAEL
NIXON	CHRISTOPHER	AKEEM
NORMAND	ALEXANDRE	ROBERT
NORRIS	SCOTT	JAMES
NORTH	CAROLINE	MARIE
NORTON	LESLY	DEE
NORTON	SYLVIA	EILEEN
NOTHSTEIN	ALEXANDRA	KELLY
NOTHSTEIN	MARK	PHILIP
NOVAK	MAUREEN	KATHRYN
NOVAK	VICTORIA	
OBAYDA	CARINA	FARIS
OBERMAN	RAOUL	FOPPE MAARTEN LUTHER
OCHERA	JENNIFER	JOYCE
OCONNOR	FRANK	JOHN
OCONNOR	KATHRYN	LINDSEY
O'CONNOR	MARTIN	LAWRENCE
OGAWA	HITOSHI	
OGAWA	SACHIKO	
OKADA	HIROSHI	
OKANE	STEPHEN	MARK
OKIJIMA	MASAKO	
OKUDA	AIKO	
OKUDA	JUNICHI	
OLIN	PAMELA	GRACE
OLSEN	EBBA	MARYANNE
OLSEN	REINERT	KALLBEKKEN
OLSSON	FILIP	ERIK
ONG	LI	MIN
ONORIO	JOSEPH	HENRY
ORTON	ELIZABETH	MARY
OSBORNE	HEIDI	LEANNE
OSWALD	RANDAL	ROBERT
OTREBSKI	MICHAL	PAWEL
PADGETT	JESSIE	KENT
PADGETT	SAMUEL	DUNCAN
PADILLA	LAURA	
PAGE	PAMELA	HODGE
PAGE-ALLEN	COURTNEY	HODGES
PAL	REBECCA	RUTH
PALAZZO	MICHELLE	CLARE
PALK	NANCY	JANET
PARAGHAMIAN	GERARD	
PARIKH	TANMAY	NARENDRABHAI
PARK	HEE	KYUNG
PARKER	JEFFREY	IAN
PARKER	KERRY	JO MAPLEWOOD NICOLETTI
PARROTT	PHILLIP	STEPHEN
PARRY	LEILA	MADELINE
PATRICK	RUTH	JEANETTE
PATTON	TOBIAS	GOLDWAITE
PAULET	CHARLOTTE	MARIE DANIEL
PAULI	NATHANIEL	HANS
PAULI-HORNMAN	MARGARET	AUDREY
PAULINE	PAMELA	DAWN JENKINS
PAULOS	SOPHIA	DEJAIS COLLEL
PAVLOVA	ANNA	VLADIMIROVNA
PAYNE	THERESA	LEE
PEACOCK	HELEN	MARY
PEDERSEN	MICHAEL	AAGAARD
PERERA	NIROSHAN	EARDLEY
PERFETTA	BAPTISTE	ALEXIS
PERKINS	RUSSELL	HUGH
PETERS	BECKY	ANN
PETERS	MICHELE	ELIZABETH

Last name	First name	Middle name/initials
PETRIE	LEELA	
PHENIX	ERIC	
PIAZZA	SAMUEL	RYAN
PIERCE	ANNETTE	LYNNE
PIETERS	PETRUS	ADRIAAN
PIKHURO	OLEG	
PIOMBO	SABRINA	
PIRAS	STEFANO	
PIZZINI	ALEX	
PLATT	ALEXIA	MAY
PLATT	JUSTINE	ELLEN
PLATT	THEODORE	LUKE
PLATTS	BRIAN	PALMER
PLATZER	ANDRE	
PLUMB	KATHRYN	MARY
PLUMB	WILLIAM	BRIAN
PODILA	PAVAN	
PODILA	SIRISHA	V.
POESSE	IRIS	LEANNE
POLKEY	OLIVER	JOHN
POLO	ERNESTO	CARLOS
POLYWJANYJ	MAYA	KIM
POMERANTZ	JEFFERY	PAUL
POMERANTZ	TAMAR	NATHALIE VOGT
PONTONI	GINA	RAE
POPE	DANIEL	DAVID
POPE	MICHAEL	AIDAN
PORA	RAYMOND	GLENN ROY
POSTILL	GORDON	DOUGLAS
POTHINENI	VINELA	
POTTER	ELIZABETH	JUNE
PRAKASH	ANISH	GANESH
PRASIFKA	WILLIAM	THOMAS
PREECE	ANDREW	CHRISTOPHER
PRESCOTT	STACIE	DIANNE
PRESTON	OLIVER	HUGH
PRIBIC	ANA	
PRIOR	KATERINA	GRETA
PROBST	STEPHANE	
PROFIT	LORAINNE	ANN
PROTOPAPAS	LYDIA	THEKLA
PURCELL	RIANA	MARIE
PURCHASE	EMILIE	MARIE
PYKE	JOHN	CHRISTIE
QUIRION	LINDA	
RAAP	LISA	
RABINOVITCH	SIMONA	
RAFFERTY	JAYME	DONNELLY
RAHMAN	ASAD	KHALID
RAINWATER	CORRINNA	
RAITH	JOHANNA	ALIA FATIMA SOPHIE
RAMI	CARLO	
RAMSEY	GREG	JAMES
RAMSTAD	JEFFREY	ARTHUR
RAMTOOLAH	JASMINE	
RANGER	CAROLYN	ELIZABETH
RANKIN	WILLIAM	JAMES
RAPPAPORT	HENRY	HILL
RATCLIFFE	KENNETH	DAVID
RATCLIFFE	WENDY	MARGARET
RAVETZ	GUDRUN	NATHANIA
RAWN	JESSICA	KASEY
RAYNSFORD	MARY	ANNE
REATEGUI	LORRAINE	EDITH
REDBRANDT	KARL	MIKAEL
REED	KEITH	MICHAEL
REID	CHRISTOPHER	WILLIAM ALAN
REITER	ESTER	
REYNOLDS	SHARON	LOUISE
RHEE	WON	JHONG
RICE	AARON	LEWIS
RICHARDS	NANCY	L.
RICHARDSON	JOANNE	ELIZABETH
RICHARDSON	MIYUKI	MARUYAMA

Last name	First name	Middle name/initials
RICHARDSON	SAMANTHA	NEWMAN
RICHEI	CHRISTIAN	MAX
RICHER	ROSEMARY	LOUISE
RICKARD	KIM	MICHELLE
RICKERT	DENNIS	GARY
RIDLEY	HANNAH	GRACE
RIJSBERMAN	MARIJKE	
RIKKA	SAMUEL	PAUL AARON
RINTOUL	PATRICIA	LYNN
RIPLEY	CHRISTOPHER	ANDREW
RITCHIE	CONOR	
RITSKY	MICHAEL	ANTHONY
ROACH	MICHELLE	JOANNA
ROBERT	PATRICK	HENRY GORDON
ROBERTS	KENNETH	EUGENE
ROBERTSON	JUDITH	ANN
ROBERTSON	LYNSEY	MOIRA
ROBSON	EMMA	JOANNA
RODWELL	NATALIE	ELLEN
ROESNER	DANIEL	J.
ROGERS	SHEENA	JOAN
ROGERS	TRACY	MUTH
ROLDAN IPHAR	MARCELO	ALFREDO
ROMAN	TOBY	MICAH
ROMANO	CAMILLE	
ROMERIL	CAROL	LYNN SMITH
RONALD	PETER	ROBERT
RONSLEY	JILL	
ROSEKILLY	MATTHEW	WALTER
ROSS	ELIZABETH	PAMELA
ROSSI	LISA	ANN
ROTHENBERG	NEIL	ROBERT
ROZEBOOM	WILLIAM	ALAN
ROZENBERG	NIRIT	MIRIAM KAPLAN
RUSCH	ANIS	CAROL
RUSTAND	BRADEN	PATRICK
RYZNAR	JOSHUA	EDWARD
SABA	BASSAM	JAWDAT
SABSABI	BAYANE	
SADEE	KATELYN	THERESA
SAGAR	ANDREW	MICHAEL
SAKAI	KIMIKO	
SAKAI	OSAMU	
SALCHERT	MICHELE	RENE
SALOKA	SUSAN	JEAN
SALVADOR	KATELYN	MARIE
SAMUELS	ALEXA	DANIELLE
SAMUELSEN	KRISTIAN	REINHOLDT
SANDRI	KAREN	JOHNSON
SAUNDERS	ALEXANDER	
SAYERS	BLAKE	CALVIN
SAYERS	DONNA	MARIE
SAYERS	LUKE	HENRY
SCALETТА	JANE	LOUISE
SCARFINO	FRANK	ANTHONY
SCHACKER	JENNIFER	ANNE
SCHACKER	MAXINE	JABLONS
SCHACKER	S	DAVID
SCHAEFER	SEBASTIAN	
SCHEIDLER	MARGIT	SUSAN
SCHEMBRI	AMANDA	MARIA
SCHENK	MAXIMILIAN	RUEDIGER
SCHILLING	CLEO	ISABEL
SCHILPEROORT	NATHAN	TERANCE
SCHMIDT	KIERAN	GORDON
SCHNEIDER	NICOLAS	FEDERICO
SCHNEIDER	SILVIA	MARIA
SCHNEIDER	SUE	ANNE
SCHOEN	DANIELLE	CHRISTINE
SCHREDER	RALPH	ANDREAS
SCHROEDER	CORINNA	PIA
SCHROEDER	HARALD	TIMO
SCHULER	ROBERT	MICHAEL
SCHWARTZ	DAVID	ERIC

Last name	First name	Middle name/initials
SCHWARTZ	HEIDI	JO
SCHWARTZBURG	YULIY	
SCHWYZER	NICOLE	ANDREA
SCOGGIN	CHRISTINE	LYN
SCOTT	JAMES	MICHAEL
SCOTT	NANCY	LYNN
SCUFALOS	PANTELLS	MARK
SEALOCK	DANIEL	KENNETH
SEDIKIDES	GEORGE	XERXIS
SEGAL	MELANIE	ROSE
SEGSWORTH	NANCY	JO
SEIDES	DANIEL	
SEKINE	CHIAMI	
SEMMLER	ARTHUR	HELMUT
SEMPLE	ALISON	MARY
SEO	EUN	CHEOL
SETBON	LITAL	
SEVERANCE	ALAN	FOSTER
SHAH	STUTI	R.
SHAHEEN	ROLA	M.
SHAPIRO	ISAAC	
SHARP	LEONORA	NICOLA
SHARPINGTON-RECNY	EMILY-JANE	
SHAVIT	MERAV	MAZAL
SHEBUNCHAK	LYDIA	CHRISTINE
SHEETS	DEVON	RAY
SHEFTEL	ALEXANDER	DAVID
SHEI	CHRISTOPHER	KAI
SHEININ	SPENCER	ROSS
SHEN	JIANJUN	
SHERAFAT	CYRUS	SHAHRIAR
SHERK	SHIRLEY	MAY
SHERWIN	THOMAS	ANTHONY
SHERWOOD	DYLAN	BRETTON
SHIELLS	DEREK	FRASER
SHIH	IVY	RHODA
SHIMA	KYOKO	
SHIMA	YOSHITSUGU	
SHIMIZU	YOSHIKI	
SHIPMAN	LORI	ANN
SHIRLEY	BENJAMIN	CHAMBERS
SHOKEIR	PHILIP	COLUMBUS
SHORE	MURRAY	HUGH
SHORT	REBECCA	YVONNE
SHORTLAND	MARIE	RITA
SIDENBERG	PHILIP	JOHN
SIDHU	RANJIT	SINGH
SILVER	IAN	KEITH
SILVERMAN	JUDITH YEHUDIT	KITT
SIMMONS	ELIZABETH	DIANA
SINOPOLI	NICHOLAS	PAUL
SKALA	JEMIMA	HOPE
SKARSTEDT	CARL	HENRIK
SLIFER	PAUL	ALEXANDER
SMITH	ANITA	LOUISE
SMITH	DESMOND	CLARENCE
SMITH	JILL	PARKES
SMITH	JOANNE	
SMITH	RENATE	YVONNE
SMITH	STEPHANIE	CAMPBELL
SMITH	TRACY	ALISON
SOLAR	PETER	MICHAEL
SOLOSKI	MICHAEL	ANTHONY
SOMA	KOSHI	
SOMA	NORIKATSU	
SONNIER	KEVIN	JOHN
SONTAG	HENRIETTE	KIRSTEN JENNIFER
SOROS PAGE	JENNIFER	LEE
SOUTHCOTT	LYNN	ELIZABETH
SPARKS	MIHO	
SPAULDING	CHARLES	ANTHONY
SPAYNE	MARY	CATHERINE
SPEAK	JOSEPH	WILLIAM
SPRIGGS	CHLOE	EMMA

Last name	First name	Middle name/initials
SRIBNEY	DELLA	ROSE
SROKA	JAN	OLE
STAMNES	SONJA	
STANIER	EDWARD	JEFFREY
STANLEY	BAILEY	PAUL
STANLEY	PAIGE	JULIET
STAUDENBAUER	CLAUDIA	
STEARNS	JONATHAN	MONTEAGLE
STEER	LOUISE	BEATRICE
STEFANYSHYN	PAIGE	HEATHER
STEFFLER	SHARI	ANNE
STEIGER	ELISA	ANNATINA
STEMBERG	WILLIAM	ADAM
STENSRUDE	REESE	REID
STEPHENS	HANNAH	PATRICIA
STEVENS	ANNE-MARIE	
STEVENS	INES	SOFIA
STEVENS	TRAVIS	ALBERT
STEWART	KATHERINE	ANNA
STEWART	LAURA	LOUISE
STEWENER	VERENA	NAOMI
STOCKWELL	YUIKO	ITO
STONE	EVELYN	
STONE	IMOGEN	CECILY
STONEHILL	JAMES	CHARLES THOROTON
STOTMEISTER	KIRSTEN	
STRASENBURGH	LOUISE	JANE
STREFELER	ABIGAIL	LEE
STRINGHAM	GREGORY	LEE
STROFFOLINO	LISA	INOUE
STROM	MIRIAM	HANNAH
STRUCK	MICHAEL	PATRICK
ST-SAUVEUR	RAYMOND	FRANCIS
STUDDERT	LISA	JANE
STUTCHBURY	BENJAMIN	PETER
STYLES	MASAKO	KANEKO
SUCHE	NICHOLAS	ANTHONY
SUGIHARA	MIDORI	
SUGIHARA	NAOTO	
SUMMEY	STEPHEN	RAY
SUSHKO	OREST	
SUSMAN	DIANNE	JEN MEI
SUTHERLAND	ROBYN	MAREE
SUTTIE	LINDA	LEE
SUWANKORNSAKUL	CHANATHIP	
SWAINE	FRANCESCA	ANNA
SWALLOW	JOHN	CRAVEN
SWENSON	INGRID	NIKOLI
SY	GERALYN	JOY
SYLVER	MICHAEL	GORHAM
TADDONIO	PIETRO	GIORGIO
TAKABAYASHI	KEN	
TAKADA	YURIKO	
TAKAHAMA	MAKOTO	
TAKEDA	NAOKO	
TAKEKAWA	MASAMI	
TAKEUCHI	MEGUMI	
TAKEUCHI	TAKAKO	
TALVIA	SATU	MARKETTA
TANG	QIAN	YING
TANGYE	CHRISTOPHER	RICHARD
TANNER	FRANZISKA	BETTINA
TATAR	FRANCES	ANNE
TATE	CARLA	DENICE
TAUSCHER	SUSANNE	MARTINA
TAYLOR	CHRISTINE	JEAN
TAYLOR	MARTINA	CLAUDIA
TAYLOR	MARY BETH	TAYLOR
TAYLOR	MICHELLE	MIRANDA MELANIE
TAYLOR	SAMANTHA	JOAN
TEMPLIN MIKOLIC	ERIKA	MIRJAM
TERRY	THOMAS	WINTER
TETZLAFF	MICHAEL	
THOMAS	DAVID	ALAN

Last name	First name	Middle name/initials
THOMAS	GREGORY	CHARLES
THOMAS	JENNIFER	LYNNE SEARLES
THOMAS	REIKO	KANAZAWA
THOMPSON	CANDICE	VIRGINIA
THOMPSON	DANIELLE	MAY
THOMPSON	DYLAN	MICHAEL
THOMPSON	ELAINE	LAVERNE
THOMPSON	KERRY	PETER
THOMSON	IVY	ELIZABETH
THURING	RETO	
TICHENOR	NATHANIEL	BENJAMIN
TILLEY	GORDON	WILLIAM
TILSTON	PHILIP	ANDREW
TIMBRELL	ANNA	CATHERINE
TIMONEY	KEVIN	PATRICK
TISSIER	EMILY	JOAN
TKACHUK	DOUGLAS	CAMERON
TONEY	MIGUEL	YOHANN
TORIDE	MAMORU	
TORMEY	SHEILA	ANNE
TOTSUKA	CHIEMI	
TOTSUKA	KEIICHI	
TOUBE	FELICITY	ROSALIND
TOUGAS	JESSIE	KAMOMIWAIWAINUI
TRACY	JAMES	JOHN
TRAPHAGAN	TOMOKO	WATANABE
TRAVERS-WAKEFORD	NICHOLAS	THOMAS
TREECK	DOMINIK	
TREVILLION	HELEN	ELIZABETH
TSANG	TAT	YIN
TSUNEYOSHI	TOSHIKO	
TUFFEN	MELANIE	GERALDINE
TULLOS	JOY	LYNN
TURI	BARBARA	ORRILL
TURNBULL	PAMELA	JEAN
TURNER	ELISSA	
TURNER	SUSAN	KAY
UHLER	LANE	KNIGHT
UMBRICHT	MILES	ERIC
UNDERWOOD	ALISON	KIRSTY
UNGER	ROBERT	EDWARD
VACHON DAY	ISABELLE	
VAN BEEK	CHIRSTIAAN	JOHN HUGO
VAN DER FLUIT	CHANTALLE	NICOLE VICTORIA
VAN DONGEN	JOSSIE	PIETA
VAN GELE	SAMUEL	RENE HILAIRE
VANLEUR	INGRID	HENRICA JOSE
VARVARO	MARILYN	DIANNE
VELILLA CADAHIA	MARIA	DEL ROCIO
VEN	SHELDON	SUI TUNG
VERMONT	MARIA	JOHANNA
VERREAULT	ANDREA	TIFFANY
VERVEER	SABINE	MARIE PAULE
VEYSEY	ALLISON	NICOLE
VIDLER	TIMOTHY	EMERSON
VIOLA	PHILIPPE	ADRIEN
VIOLETTE	GAYLE	
VISCHER	ANTHONY	GUY
VISCOMI	KAREN	TIZIANA
VISSER	HEATHER	EMILY
VISSER	ODD	MAARTEN
VOEGELI	TRACY	SUSAN
VON ESCHEN	MARK	WOLFORD
VON RETTIG II	MICHAEL	GABRIEL PAUL
VUJICA	SRDJAN	
WACKWITZ	ELEANOR	GWENDOLYN HENRIETTE
WAGNER	RICHARD	MARTIN
WAGSTAFF	SHEENA	VANESSA
WAHL	NIKOLAUS	AUGUST
WAINWRIGHT	JANE	MYLANDER
WAKELEY	SUSAN	ELIZABETH
WAKEMAN	CLAUDIA	MARIE
WALKER	BRYAN	MARK
WALKER	JAMES	BRANNAN

Last name	First name	Middle name/initials
WALKER	STEPHEN	RICHARD
WALLACE	CHRISTINA	LYNN
WALLACE	KIRI	JOY
WALLEN	DAVID	PETER
WALLIS	KAAREN	EKWURZEL
WALTER	CHRISTOPHER	JOHN
WALTERS-MORGAN	HANNAH	LOUISE
WANAMAKER	DALLAS	RAE
WANG	CHUNHE	
WANG	HUI	WEN
WANG	JIN	TAI
WANG	JINGXI	
WARDEN	LAINE	ROWE
WARNER	MURRAY	JAY
WATT	CARRIE	ANN
WEBB	MYRIAM	
WEBSTER	CARLA	ANN
WEBSTER	CATHERINE	AESOLE
WECKNER	DAVID	ANDERS
WEIDMANN	ELIZABETH	M.
WEIGHTS	VIOLA	IRENE
WEINKAM	SARAH	ELIZABETH
WEIR	SAMUEL	BEATTIE
WELSH	REUBEN	THOMAS
WENG	TIFFANY	
WENGER	STEVEN	PAUL
WENTE	MARGARET	ALICE
WESP	BEATRICE	MADELENE
WEST	PAUL	JONATHAN
WESTLAKE	ERIN	GWYNNE
WESTLAKE	LAURA	ANN
WETTEL	PHILIPPE	GUSTAVE
WHEELER	DEBORAH	MARIE
WHITE	EMIKO	A.
WHITE	SIMON	
WHITESIDE	EMMA	JANE
WICK	BEAT	MARKUS
WIDMAIER	MICHAEL	JOHANNES THEODOR
WIENER	RAFAEL	MOSHE
WIGHT	ANNE	MICHELE
WILDMOSER	JOHANNA	
WILKINS	JAMES	GERARD
WILKINSON	JEROME	RICHARD
WILLER	BARRY	STEWART
WILLIAMS	GLENN	JASON
WILLIAMS	JOHN	BRIAN
WILLIAMS	KIYOMI	
WILLIAMS	KYLIE	MARIE
WILLIAMS	MILLER	JAMES
WILLIAMS	RUSSELL	GORDON
WILLIS	CAROLINE	ANNE
WILLIS	MAYA	ROCHELLE
WILSON	ADAM	DAVID
WILSON	ANDREW	MORGAN
WILSON	GABRIELLE	
WILSON	REBECCA	DAVIES
WISNESKI	MATTHEW	PAUL
WITZEL	MICHAEL	PAUL
WOELK	LARRY	GENE
WOELK	RITA	THERESA
WOLFSBERGER	PHILIP	ROBERT
WONFOR	LAUREN	VICTORIA
WOOD	MONET	BLACKBURN
WOODWARD	MATTHEW	THOMAS
WOOFER	MICHAEL	BLAND
WOOLLAM	GABRIEL	BARUEH
WORLING	HEATHER	CHRISTINE
WORTH	GARY	DUANE
WRIGHT	KAREN	ELIZABETH
WU	HUANNAN	
WU	YIFAN	
WUERGLER	JEANNETTE	LYNN
WUERGLER	PATRICIA	CATHERINE
WURGLER	MARTIN	CHRISTIAN

Last name	First name	Middle name/initials
WURTZEL	DAVID	IRA
WUTHNOW	JULIE	
WYERS	STEPHEN	
XANTHOUDAKIS	ALEXANDRA	VICTORIA
XU	CHENHUAI	
XUEREB	MELANIE	
YABAR	ANTONIO	MARTIN
YAGISAWA	KAORU	
YAKIMOVITCH	KYLE	TAYLOR
YAMAMOTO	MITSUOKO	
YAMASHITA	KELLY	HAN
YANAI	YASUE	
YANG	CHU	CHUN
YANG	JEFFREY	
YANKOV	IVAN	ALEKSANDROV
YELLE	NORMAN	DONAT
YEN	SHELLY	LING RONG
YENAL VANCE	AYSE	
YETMAN	KRISTY	JILL LYNETTE
YEUNG	JEREMY	MARCUS
YONEYAMA	IKUYO	
YOSHIDA	MICHIKO	
YOSHIYAMA	EIICHI	
YOSHIYAMA	KYOKO	
YOU	AUDREY	LEE
YOUNG	CHERI	ANNE
YOUNG	DONALD	GALVIN
YOUNG	KIRSTI	JOY
ZAHARAN	NAHL	HISHAM
ZAID	MOHAMMED	MURTAZA
ZEFFERT	SHERRY	LYNN
ZEIN	ZIAD	
ZHANG	FENG	
ZHANG	QI	WEN
ZHANG	XIAOQIU	
ZHENG	RUIXIA	
ZIGIC	DRAGANA	
ZUFIRIA	ION	BORJA
ZUURE	JUSTIN	RAIMUND

Dated: October 7, 2025.

Kevin T. Hall,

*Senior Revenue Agent Team 1942, CSDC—
Compliance Support, Development &
Communications.*

LB&I:WEHC:IC:T4

[FR Doc. 2025–19980 Filed 11–14–25; 8:45 am]

BILLING CODE 4830–01–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meetings

TIME AND DATE: November 19, 2025, 12:00 p.m. to 3:00 p.m., Eastern time.

PLACE: The meeting will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1–929–205–6099 (US Toll) or 1–669–900–6833 (US Toll), Meeting ID: 953 1223 4881, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is <https://kellen.zoom.us/meeting/register/tp5wVXiuQ9yWGALLzp44hg>.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Industry Advisory Subcommittee (the “Subcommittee”) will conduct a meeting to continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda

I. Call to Order—UCR Industry Advisory Subcommittee Chair

The Industry Advisory Subcommittee Chair will welcome attendees, call the meeting to order, call roll for the Industry Advisory Subcommittee, confirm whether a quorum is present, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify the publication of the meeting notice on the UCR website and

distribution to the UCR contact list via email followed by the subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Subcommittee Agenda—UCR Industry Advisory Subcommittee Chair

For Discussion and Possible Subcommittee Action

The proposed Agenda will be reviewed, and the Subcommittee will consider adoption.

Ground Rules

➤ Subcommittee action only to be taken in designated areas on agenda.

IV. Review and Approval of Minutes from the May 15, 2024, Meeting—UCR Industry Advisory Subcommittee Chair

For Discussion and Possible Subcommittee Action

Draft minutes from the May 15, 2024, Industry Advisory Subcommittee meeting via teleconference will be reviewed. The UCR Industry Advisory

Subcommittee will consider action to approve.

V. Discussion of and Possible Recommendations on Topics To Be Discussed at the Governance Task Force on November 20, 2025—UCR Industry Advisory Subcommittee Chair

For Discussion and Possible Subcommittee Action

The UCR Industry Advisory Subcommittee Chair will discuss items to be deliberated at the Governance Task Force on November 20, 2025, including, intent of the UCR as to whom it applies, allowed purposes for use of registration fees, initial calculation of state cap amounts, whether the costs of a state to administer and operate the UCR Act in that state would have been properly included in the initial cap amount submitted for each state, the commitment made by each participating state when it filed its State Plan, what is meant by the language of the UCR Act giving the Board authority to “audit”, what is the term “administrative costs” available to the Board means, what is the legislative charge of the Board, the RFP process for hiring UCR Plan contractors, and the Board policy for calculation and distribution of the money from the Depository to under capped states in years where the combined cap amount of all participating states will not be met. The UCR Industry Advisory Subcommittee may vote to make recommendations on the topics listed above to the Governance Task Force and/or the UCR Plan Board.

VI. Other Items—UCR Industry Advisory Subcommittee Chair

The UCR Industry Advisory Subcommittee Chair will call for any other items Subcommittee members would like to discuss.

VII. Adjournment—UCR Industry Advisory Subcommittee Chair

The UCR Industry Advisory Subcommittee Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, November 11, 2025 at: <https://plan.ucr.gov>.

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305-3783, eleaman@board.ucr.gov.

Alex B. Leath,
Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2025-20009 Filed 11-13-25; 4:15 pm]

BILLING CODE 4910-YL-P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meetings

TIME AND DATE: November 20, 2025, 9:30 a.m., Eastern time.

PLACE: This meeting will be held at 529 14th Street NW, Suite 1280, Washington, DC 20045.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Governance Task Force (the “Task Force”) will conduct a meeting to continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda

I. Call to Order—UCR Governance Task Force Chair

The UCR Governance Task Force Chair will welcome attendees, call the meeting to order, call roll for the task force, confirm whether a quorum is present, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify the publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by the subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Task Force Agenda and Setting of Ground Rules—UCR Governance Task Force Chair

For Discussion and Possible Task Force Action

The Task Force Agenda will be reviewed, and the Task Force will consider adoption.

Ground Rules

➤ Task Force action only to be taken in designated areas on agenda.

IV. Discussion of and Possible Recommendations on Topics of Relevance to the UCR Plan Governance Task Force—UCR Governance Task Force Chair

For Discussion and Possible Task Force Action

The UCR Governance Task Force Chair will lead discussion on the following items: intent of the UCR as to whom it applies, allowed purposes for use of registration fees, initial calculation of state cap amounts,

whether the costs of a state to administer and operate the UCR Act in that state would have been properly included in the initial cap amount submitted for each state, the commitment made by each participating state when it filed its State Plan, what is meant by the language of the UCR Act giving the Board the authority to “audit”, what the term “administrative costs” available to the Board means, what is the legislative charge of the Board, the RFP process for hiring UCR Plan contractors, and the Board policy for calculation and distribution of the money from the Depository to under capped states in years where the combined cap amount of all participating states will not be met. The Governance Task Force may vote to make recommendations on the topics listed above to a UCR Plan Subcommittee or to the UCR Plan Board.

V. Other Business—UCR Governance Task Force Chair

The UCR Governance Task Force Chair will call for any other items Task Force members would like to discuss.

VI. Adjournment—UCR Governance Task Force Chair

The UCR Governance Task Force Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, November 12, 2025 at: <https://plan.ucr.gov>.

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305-3783, eleaman@board.ucr.gov.

Alex B. Leath,
Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2025-20006 Filed 11-13-25; 4:15 pm]

BILLING CODE 4910-YL-P

DEPARTMENT OF VETERANS AFFAIRS

VA National Academic Affiliations Council, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. Ch. 10, that the VA National Academic Affiliations Council (Council) will meet via conference call on December 3, 2025, from 1:00 p.m. to 3:00 p.m. Eastern Standard Time (EST). The meeting sessions will begin and end as follows:

Date	Time	Location	Open session
Wednesday, December 3, 2025	1:00 p.m. to 3:00 p.m. EST	Virtual via Teleconference	Yes.

The meeting is open to the public. The purpose of the Council is to advise the Secretary, Department of Veterans Affairs, on matters affecting partnerships between VA and its academic affiliates.

On December 3, 2025, the Council will receive project updates and have discussions on actions affecting the educational mission of VA. The Council will receive oral public comments from 2:25 p.m. to 2:55 p.m. EST. The comment period may end sooner, if there are no comments presented or they are exhausted before the end time.

Interested individuals may attend and present oral statements to the Council on December 3, 2025, during the public comment period. The designated public dial in is 872 701 0185. At the prompt, enter meeting ID 164 919 451#.

Individuals who speak are invited to submit a 1- to 2-page summary of their comments at the time of the meeting for inclusion in the official meeting record. Oral presentations will be limited to five minutes or less, depending on the number of participants. Interested parties may also provide written

comments for review by the Council prior to the meeting to Ms. Nellie Mitchell, Designated Federal Officer, or at any time via email to Nellie.Mitchell@va.gov. Any member of the public wishing to attend or seeking additional information should contact Ms. Mitchell via email or by phone at 608-358-9902.

Dated: November 13, 2025.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2025-20003 Filed 11-14-25; 8:45 am]

BILLING CODE 8320-01-P



FEDERAL REGISTER

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Part II

Department of the Interior

Bureau of Land Management

43 CFR Part 2360

Rescission of the Management and Protection of the National Petroleum Reserve in Alaska Regulations, Issued May 7, 2024; Final Rule

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Part 2360**

[A2407-014-004-065516; #O2412-014-004-047181.1]

RIN 1004-AF02

Rescission of the Management and Protection of the National Petroleum Reserve in Alaska Regulations, Issued May 7, 2024**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Final rule.

SUMMARY: Through this final rule, the Bureau of Land Management (BLM) rescinds and replaces the “Management and Protection of the National Petroleum Reserve in Alaska” final rule, issued on May 7, 2024, to restore regulatory clarity and align BLM’s implementing regulations with statutory requirements and national energy policy.

DATES: This final rule is effective on December 17, 2025.

FOR FURTHER INFORMATION CONTACT: Kyle W. Moorman, Chief, Division of Regulatory Affairs and Directives, telephone: 202-527-2433, email: kmoorman@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. 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:

- I. Executive Summary
- II. NPR-A Background
- III. Need for the Final Rule
- IV. Discussion of Public Comments on the Proposed Rule
- V. Section-by-Section Analysis for Part 2360
- VI. Procedural Matters

I. Executive Summary

The BLM’s regulations governing the management of surface resources within the National Petroleum Reserve-Alaska (the Reserve or NPR-A) are located at 43 CFR part 2360. This final rule rescinds and replaces the final rule promulgated in 2024, entitled “Management and Protection of the National Petroleum Reserve in Alaska,” 89 FR 38712 (May 7, 2024) (2024 NPR-A Rule). The BLM has determined that the 2024 NPR-A Rule conflicts with and exceeds its statutory authority under the Naval

Petroleum Reserves Production Act of 1976, Public Law 94-258 (90 Stat. 303; 42 U.S.C. 6501 *et seq.*) (NPRPA), as amended, undermines the purpose of that act, and is inconsistent with national energy policy. This final rule will facilitate the orderly administration of the public lands and will support the purposes of the NPRPA, including facilitating an expeditious program of competitive oil and gas leasing in the NPR-A. This deregulatory action supports the BLM’s implementation of the statutorily mandated oil and gas program activities while providing for the appropriate level of protection for surface resources, including within special areas, without subverting other statutory requirements.

The BLM published the proposed rule to rescind the 2024 NPR-A Rule in the **Federal Register** on June 3, 2025 (90 FR 23507), followed by a 60-day comment period ending on August 4, 2025. The BLM received approximately 139,757 document submissions on www.regulations.gov, which entailed approximately 257,847 total comments from Tribes, Alaska Native Corporations, State and local governments, organizations, businesses, and individuals. The BLM identified 1,463 comment submissions that were unique and responsive to the request for comments, with the remaining submissions being either duplicative form letters, non-substantive, or outside the scope of the rule. The BLM analyzed those unique comment submissions and determined that 43 submissions provided substantive input and rationale on the proposed rule.

In addition to the public-comment period, the BLM invited federally recognized Tribes and Alaska Native Corporations to consult on this rulemaking process. On May 14, 2025, the BLM mailed invitation-to-consult letters to 33 Alaska native organizations in the region, including Alaska Native Tribes and Alaska Native Corporations. The BLM also emailed 26 of these letters on May 14, 2025, to those entities for whom we have email addresses. As a result of this outreach, the BLM scheduled and attended five requested consultation meetings, including: May 21, 2025—North Slope Borough; May 27, 2025—Utqiagvik Trilateral (City of Utqiagvik, Ukpeagvik Iñupiat Corporation, Native Village of Barrow); May 29, 2025—Kuukpik Corporation; June 30, 2025—Arctic Slope Regional Corporation; and July 9, 2025—Iñupiat Community of the Arctic Slope.

The BLM received numerous substantive comments expressing support for rescinding the 2024 NPR-A Rule. Some comments agreed with the

BLM’s assessment that the 2024 NPR-A Rule exceeds the BLM’s statutory authority under the NPRPA. Among those comments, some asserted that the 2024 NPR-A Rule contradicts congressional intent, particularly regarding oil and gas development in the NPR-A, and that certain provisions in the 2024 NPR-A Rule misinterpret or unlawfully expand the BLM’s regulatory role, specifically for special areas. Additionally, some comments criticized the 2024 NPR-A Rule’s new and revised definitions such as “significant resource value” and “special areas” as vague, overly broad, and circular.

Other comments supported the rescission given the 2024 NPR-A Rule’s effect on oil and gas development, including hindering responsible development by imposing overly rigid restrictions—especially on infrastructure and commercial development; discouraging investment and creating regulatory uncertainty that could delay or prevent projects; and increasing the risk of regulatory takings. Some comments supported the rescission of the 2024 NPR-A Rule because they were concerned that it prioritized resource preservation at the expense of exploration and development.

Some comments supported the rescission of the 2024 NPR-A Rule because this final rule would more closely align the management of surface resources in the NPR-A with the national energy policy, including Executive Order (E.O.) 14153, while other comments considered the 2024 NPR-A Rule to be counterproductive to national energy security and Alaska’s economic interests.

Finally, comments expressed concern that the 2024 NPR-A Rule lacked a meaningful economic analysis and suggested that returning to the previous rule—which had guided management of surface resources for many decades—would provide a stable and efficient regulatory framework to support long-term investment and development in the NPR-A.

In preparing this final rule, the BLM has reviewed, evaluated, and provided responses to the substantive comments received during the public comment period and through Tribal consultation. The responses are located in sections II, III, IV, V, and VI of this preamble. Where appropriate, the BLM made technical changes, corrections, and clarifications to the proposed rule. These changes are specifically noted in section V of this preamble.

II. NPR–A Background

Additional historical background information on the NPR–A can be found in the **SUPPLEMENTARY INFORMATION** section in **Federal Register** publication (90 FR 23507) dated June 3, 2025.

Naval Petroleum Reserves Production Act of 1976

Motivated by private industry's 1968 discovery of oil at Prudhoe Bay and the increasing price of oil due to the embargo that started in 1973, Congress passed the NPRPA in 1976. The NPRPA transferred administrative jurisdiction of the Reserve from the Secretary of the Navy to the Secretary of the Interior and redesignated the "Naval Petroleum Reserve Numbered 4, Alaska" as the "National Petroleum Reserve in Alaska." At the time the NPRPA was enacted, the NPR–A remained largely unexplored and almost completely undeveloped (H.R. Rep. No. 94–156, at 3). Between 1974 and 1977, the Navy drilled seven test wells in the northeast corner of the NPR–A. These early explorations were significant undertakings that involved public funds, with a single test well costing the Federal Government approximately \$100 million.

Congress recognized that accelerating exploration of the NPR–A was vital to the national interest to assess the amount and location of the potential oil and gas available in the NPR–A, particularly in light of the national need for energy independence. H.R. Rep. No. 94–81, at 8. Congress also acknowledged that the wildlife and other surface values in the NPR–A would have to be considered within the context that the NPR–A be managed for oil and gas exploration activities. Congress determined that the Secretary of the Interior is best qualified to make judgments regarding these other values. *Id.*

Congress provided certain directives within the NPRPA, including for the Secretary of the Interior to commence petroleum exploration within the NPR–A as soon as the administration of the NPR–A was transferred to the Interior Department. Congress further set forth the purpose that the development of the NPR–A be regulated in a manner consistent with the total energy needs of the Nation. The NPRPA established a management priority for oil and gas exploration activities within the NPR–A and, as a result, is considered a dominant-use statute.

Within that context, the NPRPA also authorized the Secretary to promulgate such rules and regulations necessary and appropriate for the protection of

environmental, fish and wildlife, and historical or scenic values within the Reserve. Public Law 94–258, *codified at* 42 U.S.C. 6503(b). This provision provides the Secretary with discretion to protect surface resources within the Reserve but not in contravention of the overriding purpose of the NPRPA to provide for the energy needs of the Nation.

The NPRPA as originally enacted also directed the Secretary to assure the maximum protection of significant subsistence, recreational, fish and wildlife, or historical or scenic value within special areas, as determined by the Secretary, but only insofar as that protection is consistent with the requirements of the NPRPA for the exploration of the Reserve (42 U.S.C. 6504(a)). The BLM promulgated regulations soon after enactment of the NPRPA to govern management and protection of surface resources in the NPR–A that implement the direction in Act.

Department of the Interior Appropriations Act, Fiscal Year 1981

In 1979, the BLM completed a comprehensive "Study of the Reserve," as required by the NPRPA. The study determined the best overall procedures to be used in the development, production, transportation, and distribution of petroleum reserves in the NPR–A, the alternatives to those procedures, and the environmental consequences. The BLM submitted the results of that study to Congress.

In response, Congress amended the NPRPA through the Department of the Interior Appropriations Act, Fiscal Year 1981, which directed the Secretary to conduct an expeditious program of competitive leasing of oil and gas in the NPR–A, while providing for such conditions, restrictions, and prohibitions as the Secretary deems appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources in the NPR–A (Pub. L. 96–514, tit. I, 94 Stat. 2957, 2964). The Fiscal Year 1981 Appropriations Act also exempted management of the NPR–A from two sections of the Federal Land Policy and Management Act of 1976, as amended (FLPMA): Section 202 (43 U.S.C. 1712), which requires the BLM to prepare resource management plans to guide management of public lands; and section 603 (43 U.S.C. 1782), which required the BLM to complete wilderness reviews and describes the procedures for managing any lands recommended to Congress for wilderness designation pending congressional action. *Id.*

In doing so, Congress explained that exempting the NPR–A from FLPMA sections 202 and 603 was necessary because both sections would otherwise inhibit expeditious leasing. See H.R. Rep. No. 96–1147, at 33 (1980). This legislative history gives further support to the position that the purpose of the NPRPA is primarily to facilitate oil and gas leasing and associated activities and that the direction to protect surface values, both within and outside special areas is a secondary purpose of the NPRPA. Finally, the 1981 Interior Appropriations Act amended the NPRPA and also clarified that the maximum protection standard for special areas also applies to production activities, to the extent consistent with the requirements of the NPRPA for exploration and production. *Id.*

Combined with the original direction in the NPRPA, the 1981 Interior Appropriations Act amendments emphasize that Congress intended to dedicate management of the NPR–A to the primary purpose of supporting an expeditious program of oil and gas activities in the NPR–A, while providing the Secretary with discretion to take into consideration the protection of surface resource values as appropriate and consistent with that overriding purpose. *Id.* Because Congress expressly dedicated management of the NPR–A to that dominant use, the BLM is not required to manage the area subject to multiple use and sustained yield. See 43 U.S.C. 1732(a).

Public Comments Received

Comment: A commenter urged the BLM to revoke its proposal to rescind the 2024 NPR–A Rule, stating that the proposal threatens to transform the NPR–A landscape "into an industrial oil field while unleashing more climate chaos and violates the BLM's legal obligations." The commenter stated that under the NPRPA, Congress mandated the mitigation of "reasonably foreseeable and significantly adverse effects" on the NPR–A's surface resources from oil and gas activities and the maximum protection of sensitive habitat areas. Another commenter asserted that rescinding the 2024 NPR–A Rule would reverse critical environmental protections, removing a presumption against oil and gas development in approximately 13 million acres of special areas in contravention of statutory directive.

BLM Response: The NPRPA is a dominant-use statute in that it directs the BLM to manage the NPR–A primarily for oil and gas leasing, exploration, development, and production, and provides the BLM with

discretion to determine the appropriate framework for protecting surface resources throughout the NPR-A. Further, the maximum protection of significant surface values within special areas, while required by the NPRPA, only applies to the extent consistent with the exploration and production requirements of the Act. This rule correctly reflects this statutory mandate. Provisions in the 2024 NPR-A Rule that would unnecessarily restrict the leasing, exploration, development, and production of oil and gas resources within the NPR-A are contrary to the congressional direction in the NPRPA to develop lands within the NPR-A, including special areas, as part of an expeditious oil and gas leasing program. For example, the presumption against oil and gas leasing and new infrastructure established in the 2024 NPR-A Rule flips BLM's statutory mandate on its head. Moreover, the 2024 NPR-A Rule, by enshrining the 2024 Integrated Activity Plan (IAP) maps in the regulatory text, when taken in tandem with this presumption against oil and gas leasing, effectively prohibited any oil and gas development in certain areas the BLM had already determined should be available for leasing and new infrastructure through the IAP process. Thus the 2024 NPR-A rule created a regulatory framework that would generally prohibit new leasing and new oil and gas infrastructure development in areas that the BLM had designated as open to leasing or available for new infrastructure just 2 years earlier, creates uncertainty for industry, and frustrates the congressional policy objective of expeditious oil and gas leasing, exploration, development, and production in the NPR-A. It is therefore contrary to the purposes and plain language of the NPRPA.

Other changes made by the 2024 NPR-A rule run contrary to Congress's mandate to conduct an expeditious oil and gas leasing program, including § 2361.30 and § 2361.40, which codified new processes, assessments, and analyses that could slow down BLM's administration of its program. Similarly, by adopting by rule the 2024 restrictions on existing special areas, the BLM would run into additional barriers when making any changes to the management of those areas, decreasing the speed and efficiency of its management of the reserve. As has been the standard since long before the 2024 NPR-A Rule, special area identification, including boundaries and management restrictions, are made through the IAP process and that evaluation process will

be unaffected by this rule. The final rule returns the NPR-A to the intended focus of oil and gas exploration and development, but—like the 2024 NPR-A Rule—it is not self-executing, meaning that it does not itself make any substantive changes on the ground and will not restrict the BLM's discretion to take or authorize future on-the-ground actions. Instead, this rule provides the BLM with the appropriate level of discretion to consider future on-the-ground actions—through the IAP process or project-specific decision making to analyze and account for the impacts to surface resources—consistent with the resource protection provisions of the NPRPA. These management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources under the NPRPA (both within and outside special areas), are appropriately made through the IAP process, as well as project-specific decisions.

Comment: The commenter stated that the BLM failed to explain how its proposal to rescind the 2024 NPR-A Rule is permissible and justified under FLPMA. The commenter noted that while the NPR-A is exempt from FLPMA section 202's planning requirements, the BLM now appears to imply the NPR-A is exempted from all FLPMA mandates without providing support for such an assertion or its change in interpretation of the applicability of FLPMA to the NPR-A. A commenter also asserted that the final rule does not explain how it will ensure the BLM is meeting its FLPMA obligations in the NPR-A including to manage public lands "in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values," to "take any action necessary to prevent unnecessary or undue degradation of the lands," as well as the provisions governing the issuance of rights-of-way. Another commenter opined that while the NPRPA exempted the NPR-A from FLPMA's planning requirements, it does not exempt the applicability of FLPMA's other provisions that allow reasonable impacts associated with oil and gas development.

BLM Response: The BLM does not claim that the NPR-A is entirely exempt from FLPMA. However, the Department of the Interior Appropriations Act, Fiscal Year 1981 Public Law 96-514, tit. I, 94 Stat. 2957, 2964 (1980) exempted management of the NPR-A from two sections of FLPMA: section 202 (43 U.S.C. 1712), which requires the BLM to

prepare resource management plans to guide management of public lands; and section 603 (43 U.S.C. 1782), which requires the BLM to complete wilderness reviews and describes the procedures for managing any lands recommended to Congress for wilderness designation pending congressional action. In addition, the NPRPA is a dominant-use statute in that it directs the BLM to manage the NPR-A primarily for oil and gas development and provides the BLM with discretion to determine the appropriate framework for protecting surface resources throughout the NPR-A. Further, the maximum protection of significant surface values within special areas, while required by the NPRPA, only applies to the extent consistent with the exploration and production requirements of the Act. Congress has thus dedicated lands within the NPR-A to these specific uses, and under section 302(a) of FLPMA, 43 U.S.C. 1732(a), the BLM will manage these lands accordingly. This is why the IAP, which the BLM has long used to guide the management of the NPR-A, addresses a narrower range of uses than a FLPMA resource management plan and does not provide a framework for management under broader principles of multiple use and sustained yield. However, the BLM otherwise manages public lands within the NPR-A pursuant to FLPMA, where such management is consistent with the NPRPA, as amended. For example, the BLM applies its broad authority under FLPMA to regulate the use, occupancy, and development of public lands within the NPR-A and must take action to prevent unnecessary or undue degradation of the lands (43 U.S.C. 1732(b)) through the IAP, including oil and gas stipulations and required operating procedures. The BLM also has the discretion to apply additional mitigation measures, as appropriate, at the project approval stage. Finally, the BLM meets its FLPMA resource obligations, where consistent with the direction in the NPRPA, by applying other regulatory requirements within the NPR-A, such as 43 CFR 3162.5-1.

This final rule appropriately restores the regulatory framework with the primary statutory authority (NPRPA) for governing the NPR-A, recognizing that environmental protections are implemented consistent with that framework and other legal requirements, as applicable. Nevertheless, we have adjusted the final rule to clarify that, while the NPRPA provides the primary management direction for the NPR-A, other Federal land laws, including

FLPMA, guide the BLM's management of these lands.

Comment: Commenters stated that the 2024 NPR–A Rule was consistent with the NPRPA, which a commenter asserted does not prioritize oil and gas activities over resource protection, and was necessary to protect the NPR–A from harmful impacts of oil and gas development. They referenced the NPRPA requirement to provide “maximum protection” of any designated “Special Area” containing significant subsistence, recreational, fish and wildlife, or historical or scenic value.

BLM Response: The BLM disagrees with the commenters' interpretation that the NPRPA places the same priority on resource protection that it does on providing for oil and gas activity in the NPR–A. As explained earlier, the NPRPA is a dominant-use statute that directs the BLM to manage the NPR–A primarily for oil and gas leasing, exploration, development, and production, and provides the BLM with discretion to determine the appropriate framework for protecting surface resources throughout the NPR–A. Further, the maximum protection of significant surface values within special areas, while required by the NPRPA, only applies to the extent consistent with the exploration and production requirements of the Act. This rule correctly reflects this statutory mandate. Provisions in the 2024 NPR–A Rule that would unnecessarily restrict the leasing, exploration, development, and production of oil and gas resources within the NPR–A are contrary to the congressional direction in the NPRPA to develop lands within the NPR–A, including special areas, as part of an expeditious oil and gas leasing program. The presumption against oil and gas leasing and new infrastructure established in the 2024 NPR–A Rule in tandem with the adoption by rulemaking of the 2022 IAP special area maps would effectively prohibit any oil and gas development in certain areas the BLM had already determined, through the IAP process, should be available for leasing and new infrastructure. Thus the 2024 NPR–A rule created a regulatory framework that flipped the purposes of the NPRPA on its head by generally prohibiting new leasing and new oil and gas infrastructure development in areas that the BLM had designated as open to leasing or available for new infrastructure just 2 years earlier creates uncertainty for industry and frustrates the congressional policy objective of expeditious oil and gas leasing, exploration, development, and

production in the NPR–A. This restriction is therefore contrary to the purposes and plain language of the NPRPA. More detail on the statutory history of the NPR–A is provided in Section II Background of this preamble.

Comment: A commenter stated that, as part of finalizing the rescission of the 2024 NPR–A Rule and reinstating the prior regulations from 1977, the BLM should clarify the scope of its “maximum protection” authority in the NPR–A. The commenter stated that the statute only applies to exploration activities in special areas, and then only “to the extent consistent with the requirements of this Act for the exploration of the reserve.” The commenter expressed that there is no textual basis for extending “maximum protection” to leasing or development activities, and that the preamble of the proposed rule misquoted the statute, incorrectly suggesting an independent directive to “assure the maximum protection” of special areas. Another commenter expressed that, in recognition of the NPR–A's extraordinary ecological, cultural, and scenic values, Congress recognized the need to manage the NPR–A differently from other public lands so that any activities which are or might be detrimental to such values will be carefully controlled. The commenter said that when Congress amended the NPRPA in 1980 to authorize an expeditious program of competitive leasing, it continued to emphasize the importance of the NPR–A's exceptional ecological and subsistence values.

BLM Response: The BLM agrees that the direction in the NPRPA to provide “maximum protection” applies only to significant surface values within special areas and such application is limited to the extent consistent with the exploration and production requirements of the Act. This final rule takes into account the provision in the Fiscal Year 1981 Interior Appropriations Act that amended the NPRPA to apply the “maximum protection” measures to both exploration and production of oil and gas production within Special Areas in the NPR–A, to the extent consistent with the requirements of the Act for those uses (Pub. L. 96–514, 94 Stat. 2964). As discussed earlier, the legislative history of that amendment supports the position that the NPRPA is a dominant-use statute, the purpose of which is primarily to facilitate oil and gas leasing and associated activities and the direction to protect surface values, both within and outside special areas, is a secondary purpose of the Act. See H.R. Rep. No. 96–1147, at 33 (1980). Provisions in the 2024 NPR–A Rule that

would unnecessarily restrict the leasing, exploration, development, and production of oil and gas resources within the NPR–A are contrary to the congressional direction in the NPRPA to develop lands within the NPR–A, including special areas, as part of an expeditious oil and gas leasing program. This final rule rescinds provisions that were inconsistent with the NPRPA or beyond its authority. It clarifies that the Secretary may apply maximum protection measures in special areas of the NPR–A only when doing so is consistent with the requirements of the Act for exploration and production of oil and gas.

III. Need for the Final Rule

The preamble to the 2024 NPR–A Rule asserted that a new rule was needed to update the regulatory framework governing the management and protection of surface values and Special Areas within the Reserve because conditions throughout the Arctic had changed dramatically since the regulations governing the NPR–A were initially promulgated. Specifically, it claimed that a new rule was necessary because of the impacts of climate change on the Reserve's natural environment and Native communities. It also asserted that the prior regulations did not reflect the full management regime for the Reserve, and that consolidating management direction for the NPR–A that is otherwise found in statutes, regulations, plans, and other guidance documents would enhance consistency and certainty, particularly with respect to protection of surface resources and Special Areas. This “more cohesive framework” was predicated on a belief that the NPRPA gave BLM “three overarching mandates” of equal weight: “(1) conduct an oil and gas exploration, leasing and production program; (2) protect environmental, fish and wildlife, historical, and scenic surface resources from the impacts of that program through mitigation of reasonably foreseeable adverse effects; and (3) assure maximum protection for significant surface values from the impacts of the oil and gas program, including subsistence use, within Special Areas.”

Following a legal and policy review of the 2024 NPR–A Rule, the BLM determined that the 2024 NPR–A rule went beyond what is authorized under the NPRPA because it impermissibly imposed restrictions on oil and gas activities that exceed its statutory authority under the NPRPA. For example, by creating a framework for areas open to leasing and infrastructure predicated on the NPRPA containing

“three overarching mandates” with equal weight, the 2024 NPR–A Rule elevated the protection of surface resources in a manner that runs afoul of the NPRPA’s mandate to implement an expeditious program of competitive leasing. It also, contrary to its intended effect, increased public uncertainty for how the NPR–A would be managed, and created internal ambiguity about how to apply the rule, and internal procedural hurdles that would delay authorizations for activities within the NPR–A. Further, the rule did not require any specific mitigation measures nor did it, by itself, effectuate any changes to respond to changing conditions, to the extent they exist; by its own terms, those changes would need to be addressed in the IAP. Finally, the 2024 NPR–A Rule is inconsistent with the national energy priorities of this administration. Accordingly, and as explained further below, a rulemaking is necessary to establish the appropriate regulatory framework that aligns with the statutory directives for the activities and resources within the NPR–A and prioritizes energy development (as that statute requires).

The 2024 NPR–A Rule updated and expanded procedures for the BLM to mitigate reasonably foreseeable and significantly adverse effects of proposed oil and gas activities on the surface resources of the NPR–A; in particular, it elevated the maximum protection for surface values within special areas above the primary management purpose of supporting an expeditious oil and gas leasing program. Specifically, the rule required the BLM, in each decision concerning oil and gas activity in the NPR–A, to adopt measures to mitigate the reasonably foreseeable and significantly adverse effects on surface resources. The 2024 NPR–A Rule also codified five existing special areas and established a process for designating and de-designating Special Areas in the future. *Id.* In those special areas, the 2024 NPR–A Rule elevated the protection of significant resource values above the requirement of the BLM to manage the NPR–A for the exploration and development of oil and gas resources. In particular, the 2024 NPR–A Rule established a blanket presumption that proposed oil and gas activities should not be permitted in areas open to leasing and infrastructure unless specific information available to the authorized officer clearly demonstrates that those activities can be conducted with no or minimal adverse effects on significant resource values in areas that are allocated as available for

future oil and gas leasing or new infrastructure.

While the NPRPA includes provisions that require protection of surface resources, including the maximum protection of significant resource values in special areas, the NPRPA is a dominant-use statute that is focused on the management of exploration and production of oil and gas in the NPR–A. Driven by the oil embargo imposed by the Organization of Petroleum Exporting Countries and energy crisis in the 1970s, Congress enacted the NPRPA to set aside the NPR–A as a petroleum reserve to help meet the Nation’s total energy needs including the specific need for oil and gas and directed the Secretary to carry out an expeditious program of competitive leasing of oil and gas on BLM-administered lands within the NPR–A. While the NPRPA provides for maximum protection of significant surface values in special areas, it is clear from the text of the statute that Congress envisioned those areas may need such protection precisely because they could also be developed for oil and gas production.

Provisions in the 2024 NPR–A Rule that would unreasonably restrict the leasing, exploration, development, and production of oil and gas resources within the NPR–A are contrary to the plain text of and the congressional direction in the NPRPA to develop lands within the NPR–A, including special areas, as part of an expeditious oil and gas leasing program. The underlying directive in the 2024 NPR–A Rule to balance permitting oil and gas activities with the protection of surface resources—illustrated by the 2024 NPR–A Rule’s articulation of the NPRPA as having three coequal mandates—is at odds with the directive in the NPRPA that the BLM undertake an expeditious program of competitive leasing of oil and gas and only apply maximum protection of significant subsistence, recreational, fish, and wildlife, or historic or scenic values to the extent consistent with the exploration and production requirements of the Act (42 U.S.C. 6504(a)). Similarly, the direction to mitigate reasonably foreseeable and significantly adverse effects on the surface resources (42 U.S.C. 6506a(b)) does not confer the authority not to lease, but rather to develop the restrictions the Secretary deems necessary and appropriate. In both cases, the NPRPA establishes a presumption for oil and gas activities, subject to the secondary purpose of protecting surface resources at the discretion of the Secretary.

The provisions at 43 CFR 2361.40(f) promulgated under the 2024 NPR–A

Rule create an impermissible presumption that proposed oil and gas activities should not be permitted on lands within special areas that are allocated as available for future oil and gas leasing or new infrastructure unless there is evidence that clearly demonstrates that activities can be conducted with no or minimal adverse effects on significant resource values or unless they are necessary to comport with the terms of a valid existing lease. In doing so, § 2361.40(f) effectively prohibits any new oil and gas leasing and new infrastructure not required for existing leases in areas that the BLM already determined, through the 2022 IAP process, should be available for future oil and gas leasing and new infrastructure, contrary to the purposes of the NPRPA. This is made more egregious because § 2361.40(d) of the 2024 NPR–A Rule adopts by rule the 2022 IAP maps that identify portions of special areas as available for oil and gas leasing and new infrastructure, but then effectively prohibits these activities through the presumption in § 2361.40(f).

While the BLM is required to conduct an expeditious oil and gas leasing program in the NPR–A while protecting significant surface resources, it does so through the IAP process that seeks to balance those requirements. Provisions in the 2024 NPR–A Rule that would unnecessarily restrict the leasing, exploration, development, and production of oil and gas resources within the NPR–A are contrary to the congressional direction in the NPRPA to develop lands within the NPR–A, including special areas, as part of an expeditious oil and gas leasing program. As described above, the presumption against oil and gas leasing and new infrastructure established in the 2024 NPR–A Rule would effectively prohibit any oil and gas development in certain areas the BLM had already determined, through the IAP process, should be available for leasing and new infrastructure. Thus, the 2024 NPR–A rule created a regulatory framework that would generally prohibit new leasing and new oil and gas infrastructure development in areas that the BLM had designated as open to leasing or available for new infrastructure just 2 years earlier, creates uncertainty for industry, and frustrates the congressional policy objective of expeditious oil and gas leasing, exploration, development, and production in the NPR–A. This restriction is therefore contrary to the purposes and plain language of the NPRPA.

Further, the 2024 NPR–A Rule is not required by law and is unnecessary to

effectively manage surface resources in the NPR–A. As such, it establishes bad policy that, via regulatory fiat, constrains the IAP process that the BLM has used for decades to determine appropriate management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources. The new provisions within the 2024 NPR–A Rule simply add additional, unnecessary processes that could complicate the BLM’s ability to make timely decisions for protection of surface resources and for authorized uses within the NPR–A. For example, soon after the rule was issued, the BLM was required to complete a statement of adverse effect under 43 CFR 2361.40(g)(6) before approving the renewal of ConocoPhillips Alaska, Inc.’s (CPAI) annual environmental monitoring permit for 2024, part of the environmental monitoring and baseline studies in the required operating procedures for the 2022 NPR–A IAP ROD. The statement of adverse effect largely summarized information that had already been presented to the public and analyzed by the BLM the associated environmental reviews under the National Environmental Policy Act (NEPA), analysis under section 810 of the Alaska National Interest Lands Conservation Act (ANILCA), and consultation under the Endangered Species Act (ESA) and section 106 of the National Historic Preservation Act related to the approval of the project years earlier. This extra step delayed the BLM’s renewal of CPAI’s monitoring permit and impacted CPAI’s ability to begin its seasonal monitoring on time. There are many such provisions in the 2024 NPR–A rule, explored in more detail below, that are not required by law, unnecessary, and run contrary to Congress’s mandate to conduct an expeditious oil and gas leasing program by slowing down BLM’s administration of its program. The 2024 NPR–A Rule is also inconsistent with the national energy priorities of the Trump administration. In January 2025, President Trump issued E.O. 14153 *Unleashing Alaska’s Extraordinary Resource Potential* highlighting the need to unlock the abundant and largely untapped supply of energy resources within the State of Alaska to increase the prosperity of American citizens while helping to enhance our Nation’s economic and national security for generations to come. To do so, the E.O. explains that it is imperative to immediately reverse the punitive restrictions implemented by the previous administration that specifically

target resource development on both State and Federal lands in Alaska and specifically directs the rescission of the 2024 NPR–A Rule, consistent with applicable law. On the same day, the President also issued E.O. 14154, *Unleashing American Energy* and E.O. 14156 *Declaring a National Energy Emergency*, which directed Federal agencies to appropriately address the inadequate development of domestic energy resources to maintain the United States’ prosperity and national security.

The 2024 NPR–A Rule created policy direction that was inconsistent with the authorizing statute as discussed above, which resulted in uncertainty for local communities and users of the NPR–A. By largely returning to the status quo that has provided the management framework for the NPR–A, this final rule provides predictability and transparency for the oil and gas program, which will lead to more efficient, effective, and responsible development within the NPR–A consistent with the national energy policy articulated above.

Finally, while the proposed rule was out for public comment, Congress once again provided guidance on how the BLM should approach oil and gas leasing in the NPR–A. Section 50105 of Public Law 119–21 directs the Secretary to expeditiously restore and resume oil and gas lease sales in the areas designated for oil and gas leasing in the 2020 IAP and under the terms and stipulations established in the 2020 IAP. Public Law 119–21, section 50105(b), 139 Stat. 72, 144 (2025). That section also requires that the Secretary conduct at least five lease sales of at least 4 million acres each before July 2035, with the first sale occurring by July 2026. Public Law 119–21, section 50105(c), 139 Stat. 72, 144 (2025). The direction in the rule makes clear the intention of Congress that the BLM proceed with an expeditious program of oil and gas leasing in the NPR–A that is not unreasonably restricted by administrative and procedural hurdles put in place to unnecessarily delay or prohibit oil and gas activities in the NPR–A, contrary to the direction in the NPRPA. Further, the statutory requirement that the BLM offer leases at least five times in the next 10 years is predicated on offering leases in the areas designated as open for oil and gas leasing in the 2020 NPR–A IAP and under the associated terms and conditions therein, which includes some areas that would otherwise be subject to the presumption against leasing in the 2024 NPR–A Rule.

Consistent with the direction from the President and Congress, the BLM’s

policy is to efficiently and effectively maximize the development and production of the natural resources located on Federal lands within Alaska, including the NPR–A, to meet the Nation’s total energy needs, consistent with statutory requirements. Therefore, we are rescinding the 2024 NPR–A Rule in full, returning the regulations in 43 CFR part 2360 to their original language as published in the rule promulgated in 1977 (42 FR 28721, June 3, 1977), with limited technical changes, corrections, and clarifications to the regulations under this final rule.

Public Comments Received

Comment: A commenter stated that the BLM promulgated the 2024 NPR–A Rule to update the regulatory framework governing the management and protection of environmental, fish and wildlife, and other surface resources in the NPR–A, and that the 2024 NPR–A Rule is necessary to protect surface resources. In opposition to rescinding the 2024 NPR–A Rule, a commenter stated that the 2024 NPR–A Rule elevates conservation on par with extractive uses, which effectively allows for vital bird habitat such as wetlands, grasslands, and riparian corridors to be safeguarded from degradation and industrialization. The commenter stated that rescinding the 2024 NPR–A Rule would reduce habitat protections for dozens of avian species. A commenter stated that the 2024 NPR–A Rule was a step in the right direction toward ensuring necessary protections for resources and values of the NPR–A, and that rescinding the 2024 NPR–A Rule would make it harder for the BLM to meet its legal obligations to provide maximum protection for significant resources.

BLM Response: The BLM agrees that the 2024 NPR–A Rule updated the regulatory framework for protecting surface resources in the NPR–A in a manner that elevates conservation on par with extractive uses. However, this is precisely why the 2024 NPR–A rule is contrary to the purposes and plain language of the NPRPA, as amended. That statute makes clear that Congress intended that the NPR–A be managed primarily for oil and gas activities and that the Secretary has discretion to determine the appropriate framework for protecting surface resources throughout the NPR–A. Further, the maximum protection of significant surface values within special areas, while required by the NPRPA, only applies to the extent consistent with the exploration and production requirements of the Act.

Further, rescission of the rule, by itself, will not affect the BLM's ability to provide appropriate protection for surface resources, including maximum protection for significant surface values within special areas, to the extent consistent with the exploration and production requirements of the Act. This final rule is not self-executing, meaning that it does not, by itself, make any substantive changes on the ground and will not restrict the BLM's discretion to make future decisions. Rather, this rule provides the BLM with the appropriate level of discretion to consider future on-the-ground actions—through the IAP process or project-specific decision making to analyze and account for the impacts to surface values and subsistence activities—consistent with the resource protection provisions of the NPRPA. These management decisions, including which lease stipulations and required operating procedures are necessary to ensure proper protection of surface resources and to ensure maximum protection of significant resource values in special areas to the extent consistent with the exploration and production requirements of the Act, will be made through future, separate processes.

Comment: A commenter disputed the existence of a “national energy emergency,” stating that E.O. 14156 misrepresents the current domestic energy situation and is countered by the current Administration's own assertion that oil production is declining due to low oil prices globally. One of the commenters said that in the absence of any increased demand for fossil fuel extraction, there is no rationale for the proposed rule. The commenter indicated that domestic energy production is at an all-time high with the United States being a net energy exporter since 2019. They stated that U.S. companies have indicated they will not increase output in response to the emergency declaration because it is not economical to do so. In addition, the commenter said that the E.O. fails to satisfy the Department of the Interior's (DOI) definition of an emergency, which it describes as “a sudden, urgent, usually unexpected occurrence or occasion requiring immediate action,” or “an unforeseen combination of circumstances or the resulting state that calls for immediate action.” A commenter stated that the BLM's justifications for rescinding the 2024 NPR–A Rule are unfounded, saying that E.O. 14156 did not premise its declaration of emergency on any threat to human health, loss of significant property, or other immediate,

unforeseen economic hardship, making the declaration invalid. Additionally, an individual commenter stated that the E.O.s do not supersede the NPRPA and the National Environmental Policy Act (NEPA), which Congress passed and the President signed. The commenter stated that any specification in an E.O. that conflicts with the NPRPA or NEPA must yield to the provisions in the NPRPA or NEPA. An individual commenter said that the current rulemaking prioritizes E.O.s that emphasize resource extraction at the expense of statutory obligations, and they cannot lawfully supplant explicit congressional mandates. The commenter said that declaring an emergency in this context undermines the integrity of the rule of law and sets a dangerous precedent for executive overreach.

BLM Response: In January 2025, President Trump issued E.O. 14153, *Unleashing Alaska's Extraordinary Resource Potential*, articulating that it is the policy of the United States to take action, through the Department of the Interior, to unlock the abundant and largely untapped supply of energy resources within the State of Alaska to increase the prosperity of American citizens and enhance our Nation's economic and national security for generations to come. The E.O. explains that it is imperative to immediately reverse the punitive restrictions implemented by the previous administration that specifically target resource development on both State and Federal lands in Alaska and specifically directs the rescission of the 2024 NPR–A Rule consistent with applicable law. This final rule implements that policy direction. Further, we have identified that doing so will address inconsistencies between the 2024 NPR–A Rule and congressional direction in the NPRPA that undermine the legal sufficiency of the BLM's administration of the NPR–A, the 2024 NPR–A Rule is not required by law and is unnecessary to effectively manage surface resources in the NPR–A.

The decision to rescind the 2024 NPR–A Rule is not based solely on the emergency declaration in E.O. 14156 *Declaring a National Energy Emergency*. Rather, this final rule reflects a broader policy shift toward enhancing energy reliability and economic resilience by maximizing the use of existing authorities. The BLM's action is grounded in a reevaluation of statutory obligations, national energy needs, and administrative priorities.

Further, E.O. 14156 was issued pursuant to the President's constitutional and statutory authorities. The E.O. identifies several factors

including geopolitical threats, regulatory inefficiencies, and infrastructure constraints, that collectively impair the Nation's ability to ensure a reliable and affordable energy supply. These factors constitute a national emergency as defined by the relevant legal framework, even if they do not reflect the DOI's definition of an “emergency” used in other contexts.

While it is true that the United States remains a net energy exporter and domestic production is historically high, energy security encompasses more than output levels, especially when considering long-term energy security. E.O. 14156 recognizes that while the United States has made significant strides in energy production, new and emerging pressures—both domestic and global—threaten the reliability, affordability, and resilience of the Nation's energy systems. Notably, traditional risks such as geopolitical instability and supply chain vulnerabilities remain relevant. However, the energy landscape is also being reshaped by rapid technological change and surging demand from emerging sectors. For example: electricity consumption by U.S. data centers is projected to rise from 147 Terawatt-hours (TWh) in 2023 to 606 TWh by 2030, representing nearly 12 percent of total U.S. electricity demand, largely due to the growth of artificial intelligence, cloud computing, and digital infrastructure (McKinsey 2024). The E.O. responds to this anticipated demand surge and the need for resilient infrastructure and diversified supply chains.

Nevertheless, even if factors identified in E.O. 14156 as constituting a national emergency no longer existed, the need to rescind the rule and return to the previous regulatory framework would remain unchanged. The national energy policy as articulated in E.O. 14153 and E.O. 14154, and the need to bring the regulations into conformance with the plain language of the NPRPA, would continue to counsel in favor of a rescission of the 2024 Final Rule and a return to the previous regulatory framework management of surface resources within the NPR–A.

Comment: A commenter stated that in the proposed rule the BLM failed to justify rescission of the 2024 NPR–A Rule in violation of the APA. The commenter indicated that the BLM's stated rationale that the 2024 NPR–A Rule “conflicts with and exceeds the BLM's statutory authority,” “undermines the purposes” of the NPRPA, and “is inconsistent with National energy policy” is unsupported and often unexplained. The commenter

stated that the BLM failed to explain its disregard for prior factual findings and its change in position in violation of the APA. The commenter indicated that when the BLM adopted the 2024 NPR–A Rule, the Agency was clear that its purpose was to aid in effective management of surface resources and ensure compliance with legal mandates by developing “a more cohesive framework” for implementing its mandates. The commenter expressed that the BLM now claims the 2024 NPR–A Rule is “unnecessary to effectively manage surface resources” but provides no explanation for this statement, failing to explain why or how the 2024 NPR–A Rule is unnecessary or complicates the BLM’s management of the NPR–A. An individual commenter said that the proposed rule is arbitrary and capricious under the APA because it lacks sufficient justification based on statutory and regulatory principles established under the NPRPA, fails to provide a rational basis, disregards critical public input, and undervalues significant surface resources. The commenter stated that the current proposal does not provide sufficient scientific or factual evidence to refute or meaningfully question the earlier findings; it merely references unspecified comments alleging underestimated economic impacts without detailing how concerns outweigh documented environmental and subsistence protections. They stated that the proposed rule wrongly claims that the 2024 NPR–A Rule imposes unnecessary procedural burdens, yet it fails to substantively demonstrate how these purported burdens outweigh the established benefits to surface resources and ecological values, or how reverting to regulations originally promulgated in 1977 better serves contemporary management goals. The commenter said that reverting to regulations developed five decades ago without comprehensive reevaluation under contemporary conditions is both arbitrary and lacks a rational basis.

BLM Response: The BLM is changing policy direction to be consistent with national energy policy, in particular E.O. 14153 *Unleashing Alaska’s Extraordinary Resource Potential*, E.O. 14154 *Unleashing American Energy*, and E.O. 14192, *Unleashing Prosperity Through Deregulation*, and to ensure that the regulation is consistent with the plain language of the NPRPA. Further, while the 2024 NPR–A Rule did not explicitly make factual findings, any findings that may have been made in the previous rule have not been disregarded in this final rule, and this final rule has

not made any new or superseding factual findings. As explained above, the purpose of the final rule is to rescind the 2024 NPR–A Rule because the BLM has determined that rule conflicts with the authorizing statute, is unnecessary to comply with the NPRPA and other applicable Federal laws, unnecessarily constrains the BLM’s discretion for management of the NPR–A, and is inconsistent with the national energy priorities of this administration.

The 2024 NPR–A Rule fundamentally upended the BLM’s management of the NPR–A by distorting the statutory mandate under the NPRPA. The statute’s dominant purpose is that of oil and gas exploration and development and includes a subordinate clause to implement appropriate safeguards for environmental protection. However, while the 2024 NPR–A Rule may appear to support development, it operationally prioritizes preservation over development as the default, thereby subordinating the NPRPA’s core mandate for the Secretary to authorize oil and gas leasing, exploration, development, and production with appropriate safeguards, as he determines appropriate.

Therefore, rather than implementing NPRPA’s mandate to manage the NPR–A primarily for oil and gas exploration and development, and ensuring maximum protection of surface resources to the extent consistent with that dominant use, the 2024 NPR–A Rule inappropriately reoriented the framework to subordinate development to protection—noting that the NPR–A has three coequal mandates—and thereby failing to give full effect to the Act’s core purpose.

The NPRPA is a dominant-use statute that directs the BLM to manage the NPR–A primarily for oil and gas leasing, exploration, development, and production. Under the NPRPA, the BLM must adhere to several specific directives. First, BLM must undertake an expeditious program of competitive leasing of oil and gas in the NPR–A (42 U.S.C. 6506a(a)). Within that context, exploration and development activities within special areas must be conducted in a manner which will ensure the maximum protection of significant subsistence, recreational, fish and wildlife, or historical or scenic values to the extent consistent with the requirements of the Act for exploration and production (42 U.S.C. 6504(a); 6506(n)(2)). While the NPRPA requires the BLM to apply “maximum protection” for significant surface values within special areas, that management objective is limited by the primary statutory directive to

expeditiously pursue an oil and gas leasing program and to authorize exploration of, and production from, the reserve. Finally, the NPRPA directs the Secretary of the Interior to provide for such conditions, restrictions, and prohibitions as deemed necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the NPR–A (42 U.S.C. 6506a(b)). However, this final direction does not include discretion not to lease but rather gives the Secretary discretion to develop restrictions necessary to mitigate adverse impacts on the NPR–A as are appropriate. By establishing a regulatory framework that would generally prohibit new leasing and new oil and gas infrastructure development in areas that the BLM had designated as open to leasing or available for new infrastructure just 2 years earlier the 2024 NPR–A Rule effectively nullifies existing management decisions, creates uncertainty for industry and frustrates the congressional policy objective of expeditious oil and gas leasing, exploration, development, and production in the NPR–A. And as explained above and below in more detail, this framework is contrary to the purposes and plain language of the NPRPA.

IV. General Discussion of Public Comments on the Proposed Rule

This section of the preamble briefly summarizes broad and general comments on the proposed rule and the BLM’s responses. Comment responses within this section of the preamble have been grouped and summarized by category that would apply to one or more sections of this final rule. You will find additional comments that are more specific to sections of this final rule, and their responses, in Section V. Section-by-Section Discussion of this preamble.

Comments on Public Comment Period

Comment: An individual commenter stated that the BLM has already rescinded three documents that enable the 2024 NPR–A Rule, indicating its disregard for any dissenting input.

BLM Response: Though the commentor did not provide any detail on what three rescinded documents they were referring to, they are likely referencing the rescission of the **Federal Register** notice request for information (RFI) titled “special areas within the National Petroleum Reserve in Alaska” that published in the **Federal Register** in July 2024 (89 FR 58181); a report titled “Maximizing Protection in the National Petroleum Reserve—Alaska” published in January 2025 (BLM

Report); and a BLM memorandum entitled “BLM Interim Management of Special Areas within the National Petroleum Reserve—Alaska” published in January 2025 (Interim Measures Guidance). To clarify, these documents were issued at the very end of the previous administration as a last-minute attempt to implement some portion of the 2024 NPR–A Rule. They were issued as a result of the rule and did not enable the 2024 NPR–A Rule. Nothing in the 2024 NPR–A Rule limited the BLM’s authority to rescind those policies, nor was there any requirement in that regulation for any public engagement for that process.

Further, E.O. 14153 specifically directed the Department to rescind the RFI published in the **Federal Register** on July 17, 2024 (89 FR 58181), and to rescind the BLM’s guidance on the protection of subsistence resource values in the existing special areas and proposed new and modified special areas in the NPR–A that were issued on January 16, 2025. On July 30, 2025, the BLM published a notice in the **Federal Register** implementing that direction and providing the BLM’s rationale for rescinding those documents (90 FR 35916). One of the reasons that the BLM highlighted in the **Federal Register** notice for the rescission was that the BLM Report did not evaluate and respond to the many public comments received that opposed the expansion of special areas, opposed the addition of new significant resource values, or generally opposed any change in management or protections in the NPR–A. This lack of consideration for dissenting input did not comply with the requirement in 43 CFR 2361.30(b)(3) to evaluate and respond to public input on changes or additions to special areas. Not giving due consideration to opposing viewpoints called into question the BLM’s determinations in the BLM Report and the Interim Measures Guidance.

Comments on Climate Change

Comment: Commenters opposed the proposed rule and expressed concern for potential climate change impacts that they assert could be exacerbated by rescinding the 2024 NPR–A Rule. Commenters stated that the need to maintain protections for the NPR–A is strengthened by the intensity and rate of impacts that climate change is having on the Arctic, which they state is warming at four times the rate of the rest of the world. The commenters mentioned that threats to food security are increasing (especially for populations that rely on subsistence lifestyles), animal migration patterns

and abundance are shifting, and there are numerous unpredictable conditions such as thawing permafrost, coastal erosion, and melting sea ice that are already having serious repercussions on the communities, lands, and animals of the Arctic. The commenters said that the NPR–A’s globally significant habitat for polar bears, caribou, migratory birds, and numerous other species are already being impacted by climate change and could be further adversely impacted by oil and gas development and infrastructure. One of the commenters expressed that the 2024 NPR–A Rule was a step toward climate responsibility by providing a vehicle for the BLM to consider cumulative greenhouse gas (GHG) emissions in making decisions, while the BLM’s proposed rule is likely to worsen these adverse climate effects by opening up substantial new areas of the NPR–A for oil and gas development and increasing GHG emissions.

BLM Response: This final rule restores the legally appropriate management framework within the NPR–A to the purpose for which it was designated in the NPRPA. Specifically, the regulatory framework will allow the BLM to support an expeditious program of oil and gas exploration and development that also provides for the protection of surface resources consistent with the requirements of the NPRPA. However, this rule is not self-executing and provides the BLM the discretion to appropriately consider future on-the-ground actions, through the separate IAP process, consistent with the NPRPA and other laws, pursuant to the applicable decision-making framework for the Bureau. This final rule does not change the agency’s requirements to analyze and account for the impacts to surface resources and subsistence activities, whether from a project or as part of the analysis for an IAP, under NEPA, section 810 of ANILCA, or section 7 of the ESA. Management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources and consideration of special areas, are made through the IAP process. The 2024 NPR–A Rule introduced unnecessary procedural complexity that conflicts with the NPRPA’s statutory framework and impedes the BLM’s ability to carry out its responsibilities—namely, to ensure the timely leasing, exploration, development, and production of oil and gas resources in the NPR–A while also protecting surface resources and accommodating other authorized uses. Further, neither the 2024 NPR–A Rule nor this final rule have any bearing on

how the BLM will consider GHG emissions for decisions it makes in the NPR–A. Any potential effects on GHG emissions that could occur from this rule are too broad, speculative, or conjectural to lend themselves to meaningful analysis at this time. Rather, these effects would, to the extent required by law, be analyzed in a NEPA analysis, supporting IAP or in site-specific project approval decisions. These analyses will continue to follow the requirements of applicable law and regulations as appropriate based on the decision to be made.

Comment: A commenter said that North Slope development presents several environmental advantages. The commenter described the North Slope oil and gas development as having lower GHG intensity than conventional onshore development. The commenter stated that projects like Santos’ Pikka possess a GHG intensity of 14 tCO₂e/mboe, much lower than the industry average of 46 tCO₂e/mboe, and the onshore industry average of 30 tCO₂e/mboe.

BLM Response: This final rule is not self-executing, meaning that it does not itself make any substantive changes on the ground and will not restrict the BLM’s discretion to take or authorize future on-the-ground actions. The BLM acknowledges the information provided by the commenter, but this final rule does not regulate GHG levels related to oil and gas development. However, the final rule provides for the BLM’s discretion to appropriately consider future on-the-ground actions consistent with the NPRPA and other laws, pursuant to the applicable decision-making framework for the Bureau.

Comments on Special Areas

Comment: Commenters stated that the 2024 NPR–A Rule provides necessary protections for special areas within the NPR–A, including the Teshekpuk Lake Special Area, Colville River Special Area, and Utukok River Uplands Special Area. The commenters stated that the protections for these special areas are based on the best available science, the importance of these areas to the region’s fish, wildlife, and other renewable resource values, and that these protections are consistent with the BLM’s obligation to provide maximum protection for special areas based on their significant subsistence, recreational, fish and wildlife, historical, and scenic values. An individual commenter said that the special-area restrictions of the 2024 NPR–A Rule are consistent with the NPRPA. Another commenter said that without the 2024 NPR–A Rule, there

could be industrial sprawl in areas such as the Teshekpuk Lake Special Area or the Colville River Special Area, which are vital to wildlife and subsistence users.

BLM Response: This final rule has no effect on the BLM's ability to designate special areas or to provide maximum protection for the significant surface values found therein, to the extent consistent with the exploration and production requirements of the Act. Further, this final rule does not itself change any of the protections for existing special areas that were put in place by the 2022 IAP. If the BLM changes any of those protections, the BLM will rely on a process to make changes to the relevant decisions in the IAP—a process that is separate and independent of this rule. Designation of special areas where significant surface values exist in NPR-A is a fact-based inventory determination based on the best available information during preparation of an IAP. As such, the special area boundaries that result are not areas set aside specifically for non-development, but simply a recognition of where certain management prescriptions may be necessary to accomplish “maximum protection” of those surface values, while allowing development to occur. Note that this process, not the process detailed in the 2024 NPR-A Rule, is the process by which the boundaries of all current special areas were designated.

The NPRPA is a dominant-use statute that directs the BLM to manage the NPR-A primarily for oil and gas leasing, exploration, development, and production, and provides the BLM with discretion to determine the appropriate framework for protecting surface resources throughout the NPR-A. Further, the maximum protection of significant surface values within special areas, while required by the NPRPA, only applies to the extent consistent with the exploration and production requirements of the Act. While the NPRPA provides for maximum protection of significant surface values in special areas, it is clear from the text of the statute and its legislative history that Congress envisioned special areas may need such protection precisely because they have significant surface values and could be subject to exploration for and production of oil and gas. The maximum protection, however, is limited by statute to the extent that such is consistent with the requirements of the NPRPA for the exploration for and production of oil and gas resources in the NPR-A. This rule correctly reflects this statutory mandate.

Provisions in the 2024 NPR-A Rule that would unnecessarily restrict the leasing, exploration, development, and production of oil and gas resources within the NPR-A are contrary to the congressional direction in the NPRPA to develop lands within the NPR-A, including special areas, as part of an expeditious oil and gas leasing program. As has been the standard since long before the 2024 NPR-A Rule, special area designation, including boundaries and management restrictions, are made through the IAP process, which is separate and independent from this rule.

Further, protection of surface values within special areas is not limited to those protections provided in the rule, the IAP, or other Secretarial decisions relating to the establishment of special areas. For example, polar bears are protected by the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.*, and the ESA, 16 U.S.C. 1531 *et seq.*, and nesting birds and raptors are protected by the Migratory Bird Treaty Act, 16 U.S.C. 703 *et seq.*

Finally, the 2024 NPR-A Rule incorrectly asserted that the NPRPA codified the boundaries of the Utukok River special area and the Teshekpuk Lake special area such that they could not be reduced without an act of Congress (89 FR 38712, 38736) (June 6, 2024). That incorrect assertion was based on an unreasonable interpretation of language in section 104(b) of the NPRPA, codified at 43 U.S.C 6504(a), that provides that any exploration within the Utukok River, the Teshekpuk Lake areas, and other areas designated by the Secretary of the Interior containing any significant subsistence, recreational, fish and wildlife, or historical or scenic value, shall be conducted in a manner which will assure the maximum protection of such surface values to the extent consistent with the requirements of this Act for the exploration of the reserve.

There is nothing in that provision of the NPRPA that explicitly codifies the boundaries of those special areas. In fact, the boundaries of the Utukok River special area and the Teshekpuk Lake special area were not defined at the time of enactment, but rather, were later established by the Secretary in 1977 (42 FR 28723). Further, the boundaries for both the Utukok River special area and the Teshekpuk Lake special area have been modified in the ensuing decades to add more lands to the boundaries (64 FR 167470). Therefore, the BLM's novel interpretation of section 104(b) of the NPRPA in the 2024 NPR-A Rule was unreasonable based on both the plain language of the law and the BLM's prior

long-standing interpretation of the language which has supported the modification of the boundaries for the Utukok River special area and the Teshekpuk Lake special area. As such, that unreasonable interpretation, which created unnecessary management constraints, is reversed by this final rule.

Comment: A commenter expressed support for the 2024 NPR-A Rule that codifies that special areas (like the Teshekpuk Lake Special Area) must be managed for maximum protection of their significant values, including fish habitat. The commenter said that they cannot afford to lose these commitments. The commenter stated that the 2024 NPR-A Rule requires the BLM to prepare a statement of adverse effect when proposed oil activity would harm a special area, describing the values at stake, nature of harm, avoidance measures considered, and required mitigation. The commenter expressed that this process is valuable because it acknowledges impacts on subsistence and culture, provides Indigenous communities formal input, and increases transparency and accountability in agency decisions. The commenter said that rescinding the 2024 NPR-A Rule means the BLM would no longer have to do a public accounting of harms to special areas. The commenter stated that rescission of the 2024 NPR-A Rule would make it more difficult for the BLM to fulfill its mandate to protect significant subsistence resources under the NPRPA. The commenter referenced the BLM's determination that subsistence is a Significant Resource Value (SRV) in all existing special areas and in lands proposed for protection, and noted that under section 6504(a) of the NPRPA, the BLM must “assure the maximum protection” of the subsistence SRV across those landscapes. The commenter emphasized that once the BLM identifies a value as “significant,” the NPRPA leaves the Agency no discretion to ignore it, and maximum-protection measures are mandatory.

BLM Response: The NPRPA is a dominant-use statute that directs the BLM to manage the NPR-A primarily for oil and gas leasing, exploration, development, and production, and provides the BLM with discretion to determine the appropriate framework for protecting surface resources throughout the NPR-A. Further, this rule restores the standard that the maximum protection of significant surface values within special areas, while required by the NPRPA, only applies to the extent consistent with the exploration and production

requirements of the Act. This rule correctly reflects this statutory mandate.

This final rule will not affect the BLM's ability to identify special areas or to provide maximum protection for the significant resource values found therein, consistent with the requirements of the NPRPA. The BLM will continue to follow the process it has used for decades regarding special area identification, including boundaries and management restrictions, taking public comment, and designation, if appropriate through the separate IAP process. The identification of "special" areas where significant values exist in NPR-A is a fact-based inventory determination based on the best available information during preparation of an IAP. As such, the special area boundaries that result are not areas set aside specifically for non-development but simply a recognition of where certain management prescriptions may be necessary to accomplish "maximum protection" of those surface values, while allowing development to occur. Note that this process, not the process detailed in the 2024 NPR-A Rule, is the process by which the boundaries of all current special areas were designated.

Further, the 2024 NPR-A Rule is not required by law, creates uncertainty for uses of the NPR-A, conflicts with the national energy policy, and is unnecessary to effectively manage surface resources therein. The 2024 NPR-A Rule interferes with the IAP process that the BLM has used for decades to determine appropriate management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources. The 2024 NPR-A Rule added unnecessary procedures that complicate the BLM's ability to make timely decisions for protection of surface resources and for authorized uses within the NPR-A. For example, soon after the rule was issued, the BLM was required to complete a statement of adverse effect under 43 CFR 2361.40(g)(6) before approving the renewal of CPAI's annual environmental monitoring permit for 2024, part of the environmental monitoring and baseline studies in the required operating procedures for the 2022 NPR-A IAP ROD. The statement of adverse effect largely summarized information that had already been presented to the public and analyzed by the BLM in previously completed NEPA analysis, ANILCA section 810 analysis, and ESA consultation related to the approval of the project years earlier. This extra step delayed the BLM's renewal of CPAI's

monitoring permit and impacted CPAI's ability to begin its seasonal monitoring on time.

Finally, with regard to subsistence as a significant resource value, the NPRPA itself provides that oil and gas activities must be conducted in a manner that ensures maximum protection of significant subsistence values (among others) within special areas, consistent with the requirements of the Act to provide for an expeditious program of oil and gas leasing. This final rule is consistent with that directive and identifies subsistence as one of the values for which maximum protection measures shall be taken within special areas, but consistent with the language in the NPRPA, such measures only apply to the extent consistent with the exploration and production requirements of the Act.

Comment: A commenter stated that the BLM has ignored regional geology and evidence of where hydrocarbon entrapment for oil is most likely to occur in the NPR-A when creating preferred alternatives and stipulations. The commenter described how the Barrow Arch geological feature extends from Utqiagvik to Point Thomson and has been the focal point for hydrocarbon migration resulting in giant oilfield accumulations. The commenter expressed that the highly prospective Nanushuk-Torok Play Fairway extends from recently discovered giant oilfields northwestward along the southern flank of the Barrow Arch to the Chukchi Sea, but the expanded Teshekpuk Lake Special Area has designated this entire region as "unavailable for leasing," ignoring the geological science. The commenter requested that restrictions covering the region south of Teshekpuk Lake and the South Coast of Smith Bay be reconsidered and reopened to exploration and development.

BLM Response: This final rule rescinds the 2024 NPR-A Rule; however, that does not change the special area boundaries. The designation or de-designation of special areas or revision of the boundaries or management provisions are decisions that are historically determined through the IAP process—which is distinct and separate from this rulemaking—and includes its own public input and environmental analysis requirements.

Comments on Protection of Surface Resources

Comment: A commenter said that the NPR-A is home to extraordinary complexes of lakes, ponds, and other waterways teeming with fish, and a myriad of other irreplaceable resources. The commenter said that it would be

disastrous for the region to repeal the 2024 NPR-A Rule, which the commenter asserted ensures responsible management of the Western Arctic. Similarly, a commenter stated that the NPR-A's rivers, lakes, and coastal waters sustain their rich fisheries as well as waterfowl and marine mammals that are part of their subsistence. They expressed concern about increased industrial activity due to the proposed rule, such as excessive water withdrawal for ice roads and drilling, can lower the water levels in lakes and streams, potentially leading to these water bodies no longer being deep enough for fish to overwinter, killing the fish, or forcing them to relocate.

BLM Response: The final rule is not self-executing, meaning that it does not itself make any substantive changes on the ground and will not restrict the BLM's discretion to undertake or authorize future on-the-ground actions. This final rule provides the BLM with discretion to appropriately consider future on-the-ground actions, consistent with the NPRPA and other laws, pursuant to the applicable decision-making framework for the Bureau. The final rule will continue to ensure the protection of surface resources within the NPR-A, to the extent consistent with carrying out the congressionally directed prioritization of oil and gas leasing, exploration, development, and production. The BLM would consider and address impacts to surface resources within the NPR-A during the IAP process or project-level decisions. As an example, the BLM would analyze the condition of surface resources, including changing ecological conditions or specific surface resources when determining when or how to update the IAP.

Comment: Commenters mentioned that the NPR-A is crucial for the Western Arctic Caribou Herd's calving habitat and provides critical denning habitat for threatened polar bears, which are sensitive to the disturbance, displacement, and mortality that would occur from expanded oil development. Additionally, commenters noted that the NPR-A contains seven Audubon of Alaska Important Bird Areas, with six designated for global importance due to waterbird and raptor concentration areas. Commenters also stated that the Teshekpuk Lake Special Area provides critical nesting, molting, and breeding habitat for birds, while the Kasagluk Lagoon Special Area boasts the highest abundance and diversity of bird life in all of the Arctic Alaska coastal lagoons and serves as a migration area for as much as half of the Pacific Brant population. Commenters asserted that

oil and gas activities in the NPR–A would not only destroy and fragment essential wildlife habitat for polar bears, migratory birds, caribou, and other species but also threaten nesting, molting, and breeding habitat and changes to nesting site availability.

BLM Response: The final rule is not self-executing, meaning that it does not itself make any substantive changes on the ground and will not restrict the BLM's discretion to take or authorize future on-the-ground actions. Instead, the final rule provides the BLM with discretion to appropriately consider future on-the-ground actions, consistent with the NPRPA and other laws, pursuant to the applicable decision-making framework for the Bureau. The rule will continue to ensure the protection of surface resources within the NPR–A, to the extent consistent with carrying out the congressionally directed prioritization of oil and gas leasing, exploration, development, and production. Management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources are appropriately made through the IAP process, as well as project-specific decisions.

Additionally, the protections for surface values in the NPR–A are not limited to those protections in the IAP. For example, polar bears are protected by the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.*, and the ESA, 16 U.S.C. 1531 *et seq.*, and nesting birds and raptors are protected by the Migratory Bird Treaty Act, 16 U.S.C. 703 *et seq.*

Comments on Wildlife and Subsistence Resources

Comment: Several commenters described the NPR–A as a region with incomparable wildlife and ecology, home to three caribou herds, threatened polar bears, fish, and millions of globally significant migratory birds. The commenters said that its treasured wildlife and wilderness are central to the subsistence livelihood of Indigenous communities and to the Nation's conservation heritage. A commenter mentioned that birds from all four North American flyways migrate to the NPR–A, including Brants from the Pacific Flyway, Tundra Swans from the Atlantic Flyway, White-fronted Geese from the Mississippi Flyway, and Pintails from the Central Flyway. Commenters mentioned that rescinding the 2024 NPR–A Rule would reduce habitat protections for dozens of avian species dependent on the ecologically intact lands of the NPR–A managed by the BLM. A commenter stated that

migratory birds have important economic value for the States that they migrate to and from. The commenter said that oil and gas development in the NPR–A will increase bird mortality which will result in economic loss.

BLM Response: We acknowledge the comments highlighting the ecological importance of the NPR–A, including its role as habitat for migratory birds, caribou herds, polar bears, and other wildlife, as well as its significance to subsistence communities. However, this final rule is not self-executing, meaning that it does not itself make any substantive changes on the ground and will not restrict the BLM's discretion to take or authorize future on-the-ground actions. Instead, this final rule provides for the BLM's discretion to appropriately consider future on-the-ground actions, consistent with the NPRPA and other laws, pursuant to the applicable decision-making framework for the Bureau. As directed by the NPRPA, this final rule will continue to ensure the protection of surface resources within the NPR–A, to the extent consistent with carrying out the congressionally directed prioritization of oil and gas leasing, exploration, development, and production. Under this final rule, management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources, will be appropriately made through the IAP process, as well as project-specific decisions.

Additionally, the protections for surface values in the NPR–A are not limited to those protections in the IAP. For example, migratory birds are protected by the Migratory Bird Treaty Act of 1918, 16 U.S.C. 703–712.

While migratory birds are undoubtedly valuable to many communities, the assertion that this final rule would cause economic harm is based on a series of assumptions that go well beyond what is supported by evidence. It assumes that this final rule by itself and without intervening actions, will lead to more development, that such development will significantly harm bird populations, and that this harm will be large enough to affect economies in other States. Each of these steps is uncertain, and together they make the argument speculative and conjectural. Given the multiple procedural steps required before any new areas within the NPR–A can be leased or developed—including planning, public engagement, tribal consultation, environmental review, NHPA section 106 consultation, ESA section 7 consultation, ANILCA section 810 processes, and permitting—

combined with the vast size of the NPR–A, the limited footprint of potential development, and the subsequent site-specific environmental analysis, with any resulting associated protection measures, there is no credible basis to assert that this rule change would result in measurable economic loss stemming from impacts on migratory birds. Although the concerns raised are important and could be addressed through appropriate future analyses, they are not directly relevant to the scope or function of this rulemaking.

Comment: Commenters discussed the importance of the NPR–A and said that it is not just land to them—it is their home, and the source of their food, water, and spiritual sustenance. One of the commenters mentioned that the 2024 NPR–A Rule took steps toward recognizing that protecting subsistence means protecting people, not just animals in isolation. Commenters stated that the 2024 NPR–A Rule is necessary to protect and maintain access to long-standing subsistence activities in and around the NPR–A by establishing a process for designating, de-designating, and changing boundaries of lands in special areas containing subsistence values and directs the BLM to seek opportunities to engage federally recognized Tribes in co-stewardship of special areas and subsistence resources. A commenter stated that the 2024 NPR–A Rule is necessary to protect and maintain access to long-standing subsistence activities in and around the NPR–A.

BLM Response: We acknowledge the comment expressing interest in maintaining and protecting subsistence activities within the NPR–A, among other important uses. This final rule does not change the agency's requirements to analyze and account for the impacts to subsistence activities under ANILCA section 810 whether from a project-level decision making process or as part of the analysis for an IAP. Management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources and consideration of special areas, are made through the IAP process and associated ANILCA section 810 analysis. The 2024 NPR–A Rule inappropriately added unnecessary procedural complexity intended to generally preclude development in special areas rather than regulate development in a manner that ensures maximum protection of subsistence and other significant surface values to the extent consistent with the exploration and production requirements of the Act, which is inconsistent with the statutory

framework of the NPRPA. As a result, the 2024 NPR–A Rule unreasonably restricted the BLM’s ability to fulfill its statutory responsibilities under the NPRPA and further the rule is inconsistent with the national energy policy.

As an example, before approving the renewal of ConocoPhillips Alaska, Inc.’s (CPAI) annual environmental monitoring permit for 2024—part of the environmental monitoring and baseline studies in the required operating procedures for the 2022 NPR–A IAP ROD—the 2024 NPR–A Rule mandated that the BLM complete a statement of adverse effect that largely summarized information that was already presented to the public in previously completed NEPA analysis, ANILCA section 810 analysis, and ESA consultation. This extra step delayed the BLM’s renewal of CPAI’s monitoring permit and impacted CPAI’s ability to begin its seasonal monitoring on time. Rescinding the 2024 NPR–A Rule removes this unnecessary requirement.

Comment: Commenters stated that the BLM is required to comply with ANILCA section 810, which recognizes that subsistence uses are an important public interest and provides procedural and substantive requirements to consider and protect subsistence uses in agency decision-making processes. Another commenter stated that repealing the 2024 NPR–A Rule would “dismantle that procedural scaffold,” making it easier for future applications for permit to drill, rights-of-way, or IAP amendments to proceed without adequate analysis, directly undermining ANILCA’s purpose. A commenter stated that the BLM’s proposal would substantially reduce the protections for subsistence resources, use, and access, which would adversely affect subsistence uses and users. Therefore, the commenter said that the BLM must fully comply with the procedures required under ANILCA section 810, including conducting hearings to ensure it minimizes adverse effects on the impacts to subsistence.

BLM Response: This final rule does not change the agency’s requirements to analyze and account for the impacts to subsistence activities under ANILCA section 810 whether from a project or as part of the analysis for an IAP. Management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources and consideration of special areas, are made through the IAP process and associated ANILCA section 810 analysis.

In addition, this final rule—like the 2024 NPR–A Rule—is not self-executing, meaning that it does not itself make any substantive changes on the ground, and does not make any decisions for surface resources or projects within the NPR–A. Because this final rule does not involve decisions regarding the tangible use, occupancy, or disposition of public lands, section 810 of ANILCA does not apply. The final rule provides for the BLM’s discretion to appropriately consider future on-the-ground actions, consistent with the NPRPA and other laws—including ANILCA, pursuant to the applicable decision-making framework for the Bureau. This final rule will continue to ensure the protection of surface resources within the NPR–A, to the extent consistent with carrying out the congressionally directed prioritization of oil and gas leasing, exploration, development, and production. Management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources, are appropriately made through the IAP process, as well as project-specific decisions.

Comments on Oil & Gas Production

Comment: Commenters stated that oil development in and around their community has already caused significant harm to their physical health, food security, and cultural practices. They described several specific impacts they believe have resulted from that development, including: caribou deflection and habitat fragmentation, fish habitat loss and water pollution, and food contamination. Further, the commenter described the decline in air quality in Nuiqsut due to oil development, stating that community members now live with frequent exposure to industrial air emissions from gas flaring, diesel engines, dust, and leaks. The commenter mentioned that hazardous air pollutants released by nearby operations pose serious health risks, including cancer, respiratory illnesses, heart problems, and developmental disorders.

BLM Response: This final rule is not self-executing, meaning that it does not itself make any substantive changes on the ground and will not restrict the BLM’s discretion to take or authorize future on-the-ground actions. Instead, this rule provides the BLM with the appropriate level of discretion to consider future on-the-ground actions—through the IAP process or project-specific decision making to analyze and account for the impacts to surface

values and subsistence activities—consistent with the resource protection provisions of the NPRPA. These management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface values under the NPRPA (both within and outside special areas), are appropriately made through the IAP process, as well as project-specific decisions.

Nothing in the 2024 NPR–A Rule rescission changes the statutory requirements to analyze and account for the impacts to subsistence resources or access under ANILCA section 810 whether from a project or as part of the analysis for an IAP. Management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources and consideration of special areas, are made through the IAP process and associated ANILCA section 810 analysis.

The BLM would consider and address impacts to surface resources within the NPR–A during the IAP process or project-level decisions on proposals considered subsequent to this rule. As an example, the BLM could analyze the condition of surface resources, including changing ecological conditions or impacts to specific surface resources as appropriate when determining when or how to update the IAP.

Comment: A commenter expressed concern that repealing the 2024 NPR–A Rule would mean reopening millions of acres of undisturbed public land to oil and gas drilling, which could bring environmental harm such as seismic blasting, oil spills, gas leaks, habitat destruction, and contamination of water and soil. A commenter stated that oil and gas activities have already resulted and will result in significant adverse effects (including carbon pollution) that will compound if new development activities expand on the ConocoPhillips Willow Project in the NPR–A. ConocoPhillips has submitted applications to the BLM seeking to explore additional reservoirs within the project area.

BLM Response: The final rule is not self-executing, meaning that it does not itself make any substantive changes on the ground and will not restrict the BLM’s discretion to take or authorize future on-the-ground actions. Rather, this rule provides the BLM with the appropriate level of discretion to consider future on-the-ground actions—through the IAP process or project-specific decision making to analyze and account for the impacts to surface values and subsistence activities—

consistent with the resource protection provisions of the NPRPA. The final rule will continue to ensure the protection of surface values within the NPR-A while providing for a competitive oil and gas program. Future proposals for oil and gas activity in the NPR-A will be subject to the requirements of the NPRPA, must comply with the management provisions of the applicable IAP, and will be presented to the public for input and evaluated by the BLM to the extent required by NEPA, ANILCA section 810, section 106 of the NHPA, and ESA section 7 as part of the decision making process.

Comments on Economic Effects

Comment: Commenters stated that the 2024 NPR-A Rule would have devastating economic effects on local communities, the State of Alaska, and industry by restricting development opportunities and leaseholder rights. The commenters expressed that the 2024 NPR-A Rule failed to properly account for the economic role that responsible oil and gas development plays in sustaining North Slope governance and self-determination. The commenters mentioned that the North Slope Borough relies on property taxes from infrastructure associated with NPR-A projects, including pipelines, roads, and well pads to fund essential services, and the 2024 NPR-A Rule would diminish the Borough's future tax base, threatening its delivery of clean water, education, sanitation, public safety, and housing to its citizens. A commenter mentioned that 50 percent of all sales, rentals, bonuses, and royalties on NPR-A leases are paid to the State of Alaska for public facilities and services. The commenter noted that in 2021, the State of Alaska awarded local communities over \$10 million through grants from funds received from leases in the NPR-A, and these economic impacts were not fully considered in the 2024 NPR-A Rule's economic analysis.

BLM Response: The 2024 NPR-A Rule and associated economic analysis characterized the regulatory changes as primarily clarifying in nature and concluded that the rule would not result in significant economic impacts. At that time, the BLM received approximately 89,254 document submissions on www.regulations.gov which entailed approximately 239,565 total comments on the 2024 NPR-A Rule proposal, including many from industry representatives, Tribes, and the State of Alaska. A substantial number of these comments raised concerns that the economic impacts of the rule may have been materially underestimated. These

comments raised questions about the adequacy of the original economic analysis, particularly regarding the potential effects on local economies, tax revenues, and community services in the North Slope region. Regarding effects from this final rule, the BLM anticipates the rescission of regulatory red-tape will remove internal procedural hurdles which will, at a minimum, restore the regulatory status quo and provide a management framework for the NPR-A relative to surface resource protection, to the extent consistent with exploration and development, that has been in place for nearly the entire period of oil and gas development and production in the NPR-A. In doing so, the regulations will provide increased certainty and predictability for the State of Alaska, users in the NPR-A, potentially affected ANCSA Corporations, local governments and federally recognized Tribes. The BLM anticipates that the perception of market conditions and confidence will return to baseline, leading to pass-through indirect economic benefits realized by agency efficiency and improved predictability.

Comment: A commenter stated that the 2024 NPR-A Rule creates a maze of new substantive and procedural requirements applicable to all areas of the NPR-A, establishing strict impediments to development outside special areas and effectively prohibiting future development within special areas by presuming that such development should not be allowed. The commenter also stated that the complexity of the 2024 NPR-A Rule and the bias against production undermine the conditions necessary for a successful oil and gas leasing program, such as regulatory clarity, predictability, and limited exposure to subsequent litigation. A commenter who holds nearly a million acres of leases within the NPR-A expressed concerns about impacts to existing leases, specifically that development of and access to existing leases may be restricted, delayed, or denied as an outcome of the 2024 NPR-A Rule. The commenter mentioned that the BLM had suspended their leases in the NPR-A due to impacts of the 2024 NPR-A Rule and subsequently released the suspension upon the announcement that the 2024 NPR-A Rule was to be rescinded. A commenter said they have spent considerable time and money investing in their leases and are ready to re-commence exploration drilling subject to the rescinding of the 2024 NPR-A Rule, which they stated effectively prohibits any economic path forward to further development. The

commenter expressed concern that the "maximum protection" provisions of the 2024 NPR-A Rule, especially the presumption against permitting oil and gas infrastructure in special areas, create a high bar for any new oil and gas development. The commenter also stated that since the resumption of leasing in the NPR-A during 1999, the oil and gas industry has witnessed a steady decline in the availability of prospective NPR-A acreage for exploration and development due to the expansion of special areas and implementation of more onerous BLM stipulations. The commenter expressed that exploration drilling and seismic acquisition in the NPR-A is very expensive, and without reasonable certainty that development can proceed after a significant oil discovery, the cost and excessive stipulations have become prohibitive to investment.

BLM Response: The 2024 NPR-A Rule and associated economic analysis characterized the regulatory changes as primarily clarifying in nature and concluded that the rule would not result in significant economic impacts. At that time, the BLM received approximately 89,254 document submissions on www.regulations.gov which entailed approximately 239,565 total comments, including many from industry representatives, Tribes, and the State of Alaska. A number of these comments raised concerns that the economic impacts of the rule may have been materially underestimated. Under this final rule, the BLM has re-evaluated the 2024 NPR-A Rule and taken a closer look at the public input received. These comments raise questions about the adequacy of the original economic analysis, particularly regarding the potential effects on local economies, tax revenues, and community services in the North Slope region.

Based on comments received and subsequent decisions by industry to suspend leases in the NPR-A, it is clear that the additional regulatory requirements introduced by the 2024 NPR-A Rule contributed to a perception of uncertainty and reduced opportunities for exploration and development within the NPR-A. While the agency cannot determine or verify the extent to which these perceptions influenced investment or development decisions, it recognizes the potential for such perceptions to affect market behavior. With the rescission of the duplicative and unnecessary procedural requirements under the 2024 NPR-A Rule, the BLM will reduce internal regulatory burdens and restore the NPR-A's management framework to one that provides for surface resource protection

while prioritizing leasing, exploration, development, and production, consistent with applicable laws. This restoration is expected to improve regulatory clarity and predictability, which may help return market confidence to baseline levels.

In response to one specific comment, the BLM clarifies here that there were five oil and gas companies that requested a voluntary suspension of their leases within the NPR–A while the 2024 NPR–A Rule was being analyzed. At each company's request, the BLM approved a suspension. Subsequently, three of those companies requested a continued voluntary suspension prior to the expiration of their first. All five companies have current suspensions in place.

Comment: A commenter criticized the BLM for failing to evaluate the economic costs and environmental damage from increased GHG emissions in its Draft Economic Analysis. The commenter stated that the BLM's analysis never mentioned GHG emissions or climate change, only noting that increased flexibility for oil and gas management could lead to relative increases in revenues but possible negative impacts on climate and habitat. The commenter referenced court decisions rejecting agency refusals to properly quantify the costs of GHG emissions, including estimating the social cost of carbon, and stated that the BLM must analyze and disclose the actual climate effects caused by GHG emissions. The commenter also stated that the BLM failed to account for the loss of access to subsistence resources and adverse effects on ecosystem services in the NPR–A. An advocacy organization stated that drilling in the Arctic poses significant economic risks, as it is one of the most expensive regions for oil and gas production due to its harsh climate, geographic remoteness, and limited infrastructure. The commenter said that recent lease sales have failed to attract oil company bids, reflecting skepticism about the region's financial viability. Additionally, the commenter said the fiscal watchdogs and congressional budget analysts have highlighted a track record of economic failure for Arctic oil ventures, noting that the most recent Federal lease sale yielded no revenue and increased the U.S. deficit by \$1 billion.

BLM Response: As described in other responses to comments, this final rule does not, by itself, make any substantive, on-the-ground changes or take or authorize future on-the-ground actions. Instead, this final rule provides the BLM with discretion to consider

future on-the-ground actions—through the IAP process or project-specific decision making to analyze and account for the impacts to surface values and subsistence activities—consistent with the resource protection provisions of the NPRPA. These management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources under the NPRPA (both within and outside special areas), are appropriately made through the IAP process, as well as project-specific decisions. Therefore, the BLM is not analyzing or specifically considering under NEPA the climate impacts of oil and gas development as part of this rulemaking process. The environmental effects of GHG emissions that may result from any changes to oil and gas consumption that may be influenced by the production of oil and gas from the NPR–A are separate in time and place from this rulemaking. *Cf. Seven County Infrastructure Coalition v. Eagle County*, 145 S. Ct. 1497 (2025). Such downstream emissions that could occur as a result of future projects would not occur as a direct result of this rulemaking and would be analyzed by future programmatic or project-specific decision-making processes. Further, given the multiple procedural steps required before any new areas within the NPR–A could be leased or developed—including planning, public engagement, tribal consultation, environmental review, NHPA section 106 consultation, Endangered Species Act section 7 consultation, ANILCA section 810 processes, and permitting—combined with the vast size of the NPR–A, the limited footprint of potential development, and the subsequent site-specific environmental analysis, with any resulting associated protection measures, there is no requirement to prepare an environmental analysis of an action arising from an entirely separate and speculative project (or projects) that is well downstream of this rulemaking under NEPA.

Comment: A commenter expressed support for the BLM's proposal to rescind the 2024 NPR–A Rule, stating it would help eliminate roadblocks established under the Biden Administration and reverse lost job and private investment opportunities. The commenter stated that future oil and gas production in the NPR–A is vital to Alaska's economic health, the State's residents, and the Nation's energy independence and security. A commenter stated that the rescission supports an approach allowing responsible energy development while

maintaining necessary environmental safeguards under existing frameworks such as the 2020 NPR–A IAP. The commenter expressed that communities closest to the land can continue to benefit from jobs, infrastructure, and revenue derived from resource development in the NPR–A. A commenter described Alaska's energy challenges, particularly the declining gas supplies in Cook Inlet that threaten energy stability and affordability for most Alaskans. The commenter expressed that North Slope oil and gas development could address this energy gap by providing cheaper gas for Alaskans. The commenter stated that regulatory certainty for North Slope development would allow conventional oil plays to yield decades of production while providing jobs and economic activities to nearby Native villages. The commenter also stated that the U.S. Geological Survey (USGS) increased its estimate to more than 14 billion barrels of recoverable oil underlying Federal lands on the North Slope in June 2025, along with 104 trillion cubic feet of natural gas. Based on its experience and knowledge, the commenter estimated that the NPR–A could hold over 20 billion barrels of recoverable oil. The commenter expressed that neither the 2022 NPR–A IAP Record of Decision nor the 2024 NPR–A Rule's economic analysis appropriately accounted for the likely recoverable oil within the NPR–A.

BLM Response: The 2024 NPR–A Rule and associated economic analysis characterized the regulatory changes as primarily clarifying in nature and concluded that the rule would not result in significant economic impacts. At that time, the BLM received approximately 89,254 document submissions on www.regulations.gov which entailed approximately 239,565 total comments, including many from industry representatives, Tribes, and the State of Alaska. A number of these comments raised concerns that the economic impacts of the rule may have been materially underestimated. Under this rule, the BLM re-evaluated the 2024 NPR–A Rule and took a closer look at the public input received. These comments raised questions about the adequacy of the original economic analysis, particularly regarding the potential effects on local economies, tax revenues, and community services in the North Slope region. In considering 2025 Final Rule, the BLM anticipates the rescission of regulatory red-tape will remove internal procedural hurdles which will, at a minimum, restore the regulatory management framework for

the NPR—A relative to surface resource protection to the extent consistent with exploration and development. In doing so, the BLM anticipates that perception of market conditions and confidence will return to baseline.

Comment: A commenter said that the BLM's Draft Economic Analysis for the proposed rescission is inadequate and omits significant economic effects. The commenter stated that the BLM's baseline assumptions are inconsistent, as the BLM claims decisions in the 2022 IAP are unaffected while simultaneously initiating a process to consider changes to that plan. The commenter said the BLM must evaluate economic costs of rescission in light of returning to management under the 2020 IAP. They also stated that the BLM's analysis found few economic costs associated with rescission and failed to quantify costs while discussing only benefits in depth. A commenter stated that the economic analysis ignores or misstates costs to Iñupiat life, health, safety, tradition, and culture. The commenter said the BLM wrongly stated that repeal "does not impose direct regulatory cost on any . . . community" and excluded costs that matter locally: loss of caribou and fish, additional fuel required to hunt farther, medical bills from pollution-related illness, and cultural loss. They stated that by comparing the rescission only to the 2024 NPR—A Rule and asserting the 2024 NPR—A Rule itself had "no major economic impacts," the BLM self-justifies a finding of negligible effects. A company commented that the BLM claims that rescission would have little economic effect because it would revert management of the NPR—A back to the 2022 IAP. However, the BLM also indicates that the rescission will actually revert management to the older 2020 IAP, under which more land would be subject to fluid mineral leasing and development. The commenter said that this explains why the BLM's analysis appears to show minimal adverse effects on the human environment compared to the 2024 regulations and 2022 IAP baseline, and yet significant economic gains for local entities and global energy markets compared to the 1977 regulations and the 2020 IAP baseline. Therefore, the commenter said that the BLM must analyze a new IAP and consider not only the potentially minor impacts of moving from the 2024 NPR—A Rule to the 2022 IAP, but the further impacts of moving to the 2020 IAP. Finally, one commenter submitted a detailed economic report outlining potential economic impacts of GHG emissions

that it asserted could occur as a result of assumed future development in the Reserve.

BLM Response: While the BLM received and reviewed multiple comments pertaining to the potential economic impacts of this rule, as well as economic data related to GHG impacts, these are speculative and would not directly result from the regulatory changes in this rule, because, as explained elsewhere, this regulatory change is not self-executing, does not change management decisions, and does not have any on-the-ground impacts. To help further explain this, the BLM notes that regulatory updates can influence how public lands are managed by clarifying procedures, streamlining reviews, or adjusting how types of uses may be considered. These changes can shape the range of possibilities for future land use, but they do not directly result in new projects or developments. Actual land-use decisions depend on a variety of real-world factors. These include market demand, the cost of development, and whether a proposed use is technically feasible. In many cases, these factors are more influential than the regulations themselves in determining what ultimately happens on the ground. Therefore, while a regulatory change might make certain types of projects easier to propose or evaluate, it does not guarantee that those projects will occur.

As has been the standard since long before the 2024 NPR—A Rule, landscape level surface management decisions, including special area boundaries and management restrictions, are made apart, and independently from this final rule, through the IAP process. As such, IAP decisions are not linked with this rule. The economic analysis for this final rule acknowledges that the updated regulatory framework, the reduced process for leasing in special areas is unlikely to spur significant development. Therefore, negative environmental impacts as well as increased economic activity are unlikely to occur from the 2025 Final Rule.

Specific to the comment about evaluating the economic costs of rescission in light of returning to management under the 2020 IAP, since the IAP process is separate from the regulatory process, this request would be pre-decisional under NEPA and is outside of scope of this rulemaking.

Comments on Tribal Consultation and Co-Stewardship Opportunities

Comment: A commenter stated that the 2024 NPR—A Rule represented a framework that respected both Western science and Iñupiat Traditional

Knowledge in land management, giving Indigenous knowledge a rightful place in setting management priorities and mitigation measures. The commenter expressed that the 2024 NPR—A Rule was a tangible reflection of the DOI's trust responsibility by putting substantive protections in place for subsistence and cultural values and mandating consultation with Tribes, and to rescind those protections would be a "betrayal" of the Department's trust obligation. The commenter said that by rescinding the 2024 NPR—A Rule, the BLM would effectively be "elevating industry convenience" over the lives of Iñupiat people, which is the opposite of what a trustee should do. Instead, the commenter said that the agency should be strengthening co-stewardship mechanisms, incorporating Indigenous Knowledge at every step, and ensuring that future generations can continue to thrive on these lands. Other commenters expressed support for the proposed rule and stated that the North Slope Iñupiat have lived in the Arctic for over 10,000 years and are proud of their self-determination efforts to ensure future generations of Iñupiat continue to reside in their communities and have access to essential services. The commenters said they want the opportunity to continue to assert their self-determination on their homelands for the preservation of their economy, communities, and culture, and for this to happen, they need to be included in the decision-making process to produce durable, long-lasting policies. The commenter expressed that the 2024 NPR—A Rule's implementation undermined trust in the government-to-government relationship and sidelined the voices of those most affected. The commenter suggested that repealing the 2024 NPR—A Rule would reaffirm the BLM's commitment to tribal consultation and intergovernmental coordination.

BLM Response: This final rule does not affect the BLM or DOI's requirements or commitment to consult with federally recognized Tribes and Alaska Native Corporations nor does it reduce opportunities for co-stewardship agreements. These opportunities remain available to federally recognized Tribes and Alaska Native Corporations and Federal agencies pursuant to E.O. 13175 *Consultation and Coordination with Indian Tribal Governments*, Department policy (Joint S.O. 3403 *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*) and the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638). There

are multiple examples across Alaska of these types of agreements, which were enacted without the regulatory direction in the 2024 NPR–A Rule, including: a multi-year, self-governance funding agreement to transfer a portion of the BLM’s cultural resource activities and functions to Kawerak, Inc., a Tribal non-profit consortium representing 20 Tribal governments in the Bering Strait Region; a multi-bureau self-governance funding agreement for education and outreach programs that further subsistence and Indigenous Knowledge with the Tanana Chiefs Conference, a consortium of federally recognized Indian Tribes; and a multi-year self-governance funding agreement with Ahtna, Inc, the Alaska Native Regional Corporation with lands stretching across the southcentral interior of Alaska, to improve management of easements that provide access to public lands and waters across privately owned Ahtna lands. To clarify however, the BLM has modified the language in 2361.10(d) to include references to Indian Tribes, and Alaska Native Claims Settlement Act of 1971 (ANCSA) Corporations as part of the BLM’s obligation to consult on protection of the environment when making management decisions in the NPR–A.

Comment: Another commenter stated that the BLM has binding legal duties to protect the NPR–A’s unique values and the subsistence rights of Indigenous people, and that the 2024 NPR–A Rule was carefully crafted to comply with and implement these duties. The commenter expressed that revoking the 2024 NPR–A Rule would put the BLM at odds with its statutory mandates and the Federal Government’s obligations to Indigenous peoples.

BLM Response: This final rule does not affect the BLM or DOI’s requirements or commitment to consult

with federally recognized Tribes and Alaska Native Corporations nor does it reduce opportunities for co-stewardship agreements. These opportunities remain available to federally recognized Tribes and Alaska Native Corporations and Federal agencies pursuant to E.O. 13175, Joint S.O. 3403, and the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638). Furthermore, this final rule does not affect the BLM’s requirements to analyze and account for the impacts to subsistence activities under ANILCA section 810 whether from a project or as part of the analysis for an IAP. Management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources and consideration of special areas, will still be made through the separate IAP process and associated ANILCA section 810 analyses. The NPRPA is a dominant-use statute that directs the BLM to manage the NPR–A primarily for oil and gas leasing, exploration, development, and production, and provides the BLM with discretion to determine the appropriate framework for protecting surface resources throughout the NPR–A. Further, the maximum protection of significant surface values within special areas, while required by the NPRPA, only applies to the extent consistent with the exploration and production requirements of the Act. This rule correctly reflects this statutory mandate. To clarify however, the BLM has modified the language in § 2361.10(d) to include references to Indian Tribes, and ANCSA Corporations as part of the BLM’s obligation to consult on protection of the environment when making management decisions in the NPR–A.

V. Section-by-Section Analysis for Part 2360

This rule makes the following changes to part 2360. The language found in subpart 2361 of the existing regulations is rescinded and, for the most part, reverts to the original regulatory language that published in the rule promulgated in 1977 (42 FR 28721, June 3, 1977). The 1977 regulations were in place until May 7, 2024, when the 2024 NPR–A Rule published. Through this final rule, the BLM has reviewed, evaluated, and provided responses to the substantive comments received during the public comment period and through Tribal consultation. Where appropriate, the BLM made technical changes, corrections, and clarifications to the proposed rule, including in response to certain public comments. A more in-depth discussion of the comments and changes made is provided in the discussion below.

In addition, in compliance with the Office of the Federal Register’s Document Drafting Handbook’s requirements for citation references, the BLM is revising proposed §§ 2361.0–1 through 2361.0–7 as §§ 2361.1 through 2361.7 in the final rule, and proposed §§ 2361.1 through 2361.3 as §§ 2361.10 through 2361.30 in the final rule. The following table is provided to help readers cross-reference changes made from the 2024 NPR–A Rule to the proposed rule’s section designations and headings and how they appear in the final rule’s section designations and headings. The regulation citations throughout the remainder of this preamble reflect the right-hand column shown in the table below labeled “2025 Final Rule Section” and are not further referenced in each of the Summary of Key Changes sections below.

TABLE 1 TO V—SECTION-BY-SECTION CHANGES MADE FROM THE 2024 RULE TO THE 2025 PROPOSED AND FINAL RULES

2024 Rule section	2025 Proposed rule section	2025 Final rule section
2361.1 Purpose.	2361.0–1 Purpose.	2361.1 Purpose.
2361.3 Authority.	2361.0–2 Objectives.	2361.2 Objectives.
2361.4 Responsibility.	2361.0–3 Authority.	2361.3 Authority.
2361.5 Definitions.	2361.0–4 Responsibility.	2361.4 Responsibility.
2361.6 Effect of law.	2361.0–5 Definitions.	2361.5 Definitions.
2361.7 Severability.	2361.0–6 [RESERVED].	2361.6 [RESERVED].
2361.10 Protection of surface resources.	2361.0–7 Effect of law.	2361.7 Effect of law.
2361.20 Existing Special Areas.	2361.1 Protection of the environment.	2361.10 Protection of the environment.
2361.30 Special Areas designation and amendment process.	2361.2 Use authorizations.	2361.20 Use authorizations.
2361.40 Management of oil and gas activities in Special Areas.	2361.3 Unauthorized use and occupancy.	2361.30 Unauthorized use and occupancy.
2361.50 Management of subsistence uses within Special Areas.		
2361.60 Co-stewardship opportunities in management of Special Areas and subsistence.		

TABLE 1 TO V—SECTION-BY-SECTION CHANGES MADE FROM THE 2024 RULE TO THE 2025 PROPOSED AND FINAL RULES—Continued

2024 Rule section	2025 Proposed rule section	2025 Final rule section
2361.70 Use authorizations. 2361.80 Unauthorized use and occupancy.		

Subpart 2361—Management and Protection of the National Petroleum Reserve in Alaska

2361.1 Purpose

The existing regulation states that the purpose of the regulations in this subpart is to provide procedures for protection and control of the environmental, fish and wildlife, and historical and scenic values of the NPR-A from significantly adverse effects of oil and gas activities on the surface resources of the NPR-A and assuring maximum protection of significant resource values in special areas pursuant to and consistent with the provisions of the NPRPA, ANILCA and other applicable authorities.

The BLM proposed to reinstate the prior 1977 language for the Purpose to ensure statutory consistency with the NPRPA.

Public Comments on the Proposed Rule

No substantive public comments were received on the specific language of this section.

Summary of Key Changes Between the Proposed and Final Rule

The BLM updated this section of the proposed rule in the final rule to account for all applicable Federal laws.

2361.2 Objectives (2025 Rule)

The existing regulations removed this section of the 1977 regulations.

The BLM proposed to reinstate the prior 1977 language for the Objectives to ensure consistency with the NPRPA requirements for petroleum exploration and development in the NPR-A.

Public Comments on the Proposed Rule

No substantive public comments were received on the specific language of this section.

Summary of Key Changes Between the Proposed and Final Rule

The BLM updated this section of the proposed rule in the final rule to account for the language in the 1981 Appropriation Act amendment to the NPRPA.

2361.3 Authority

The existing rule identifies the NPRPA; the Department of the Interior

Appropriations Act, Fiscal Year 1981 (Pub. L. 96–514), which amended the NPRPA; FLPMA and ANILCA, including the caveat that the land use planning and wilderness study requirements of FLPMA do not apply to lands within the NPR-A, pursuant to 42 U.S.C. 6506a(c).

The BLM proposed to rescind and revert to the original regulatory language that published in the rule promulgated in 1977 (42 FR 28721, June 3, 1977).

Public Comments on the Proposed Rule

Substantive public comment was received identifying specific statutory authority relevant to being included in this section to ensure comprehensive understanding of these statutory objectives. See Section II—NPR-A Background of this preamble.

Summary of Key Changes Between the Proposed and Final Rule

We have updated the final rule section to include the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96–514), as an additional primary statutory authority with the NPRPA, and listed other applicable authorities including ANILCA and FLPMA, exclusive of sections 202 and 603, which do not apply pursuant to 42 U.S.C. 6506a(c).

2361.4 Responsibility

The existing rule states that the BLM is responsible for the surface and subsurface management of the NPR-A, including protecting surface resources from environmental degradation and assuring maximum protection of significant resource values in special areas. The Act authorizes the BLM to prepare rules and regulations necessary to carry out surface-management and protection activities.

The BLM proposed to remove unnecessary, redundant, and potentially misleading language and to revert to the original language that appeared in the rule promulgated in 1977 (42 FR 28721, June 3, 1977), which is a better distillation of BLM's statutory responsibilities. For example, the 2024 Rule noted that that BLM must “assur[e] maximum protection of significant resource values in Special Areas” without stating that protection is required only “to the extent consistent

with the requirements of [the NPRPA],” the exclusion of which is potentially misleading. The remainder of the 2024 Rule's additions to 2361.4 are unnecessary and redundant.

Public Comments on the Proposed Rule

No substantive public comments were received on the specific language of this section.

Summary of Key Changes Between the Proposed and Final Rule

To better align the regulatory text with BLM's statutory responsibilities, the BLM enhanced the 1977 language by emphasizing that BLM's management of the NPR-A—including the protection of surface resources—must align with statutory requirements to conduct an expeditious oil and gas leasing program. Additionally, paragraph (b) from the 1977 language was removed because the USGS is no longer responsible for managing exploration in the NPR-A (S.O. 3071, 47 FR 4751 (Feb. 2, 1982); S.O. 3087, 48 FR 8982–83 (Mar. 2, 1983)). New language was added to clarify that the BLM now holds the responsibility for managing exploration and development in the NPR-A. The BLM also updated this section with minor stylistic and grammatical edits.

2361.5 Definitions

The existing rule includes 13 definitions. The BLM proposed to simplify this section by removing unnecessary definitions, such as Bureau and significant resource value, and to revert to the original language that appeared in the rule promulgated in 1977 (42 FR 28721, June 3, 1977). To the extent that certain terms were introduced by the 2024 Rule, such as “infrastructure,” definitions of those terms are also no longer necessary.

Public Comments on the Proposed Rule

Comment: A commenter stated that the BLM's definition of “significant resource value” in the 2024 NPR-A Rule is impermissibly overbroad. The commenter said that the definition includes “any surface value” that the BLM identifies as significant, which contradicts the NPRPA's closed list of specific values (subsistence, recreational, fish and wildlife, historical, or scenic). The commenter

expressed that this definition gives the BLM “unbridled discretion” beyond explicit statutory authority. The commenter expressed that when combined with the definition of special areas, these definitions could potentially encompass the entire NPR–A since virtually any portion contains “surface values” that the BLM could label as “significant.” The commenter said this broad definition could allow the BLM to thwart the congressionally mandated oil and gas leasing program in which private investments have already been made. A commenter stated that the updated definition of special areas in the 2024 NPR–A Rule exceeds the BLM’s statutory authority by providing that such designated areas would be protected to a “maximum protection standard.” The commenter expressed that while the NPRPA exempted the NPR–A from FLPMA’s planning requirements, it does not exempt the applicability of FLPMA’s other provisions that allow reasonable impacts associated with oil and gas development.

BLM Response: This final rule includes rescission of the 2024 NPR–A Rule definition for “significant resource values.” Furthermore, the final rule is consistent with the direction in the NPRPA that exploration and production within areas designated by the Secretary of the Interior containing any significant subsistence, recreational, fish and wildlife, or historical or scenic value, would be conducted in a manner which assures the maximum protection of such surface values to the extent consistent with the requirements for the exploration and production of the NPR–A (42 U.S.C. 6504(a)).

Comment: A commenter requested that the BLM define what constitutes a Special Value warranting consideration to be designated as a special area.

BLM Response: Section 104(b) of the NPRPA (42 U.S.C. 6054((a)) provides the definition for values that could be considered for designation of a special area, specifically, any significant subsistence, recreational, fish and wildlife, or historical or scenic value.

Comment: A commenter stated that the 2024 NPR–A Rule’s definition of “infrastructure” is arbitrary and capricious and contrary to law. The commenter expressed that the 2024 NPR–A Rule designates new oil and gas locations for commercial development as restricted for “infrastructure” while exempting exploratory wells drilled in a single season. The commenter said that this definition fails to recognize the reality of development timelines in the NPR–A, where a leaseholder might spend hundreds of millions of dollars

on exploratory drilling but could never actually develop its leases due to restrictions on infrastructure for commercial development.

BLM Response: This final rule includes rescission of the 2024 NPR–A Rule definition for “infrastructure.”

Summary of Key Changes Between the Proposed and Final Rule

The BLM updated this section in the final rule with minor grammatical edits.

2361.6 [RESERVED] (2025 Rule)

The existing regulations removed this section of the 1977 regulations.

The BLM proposed to reinstate § 2361.6 and revert to the regulatory language that appeared in the rule promulgated in 1977 (42 FR 28721, June 3, 1977).

Public Comments on the Proposed Rule

No public comments were received on the specific language of this section.

Summary of Key Changes Between the Proposed and Final Rule

The BLM did not change this section of the proposed rule in the final rule.

2361.7 Effect of Law (2025 Rule)

Existing § 2361.6 is redesignated to § 2361.7 in the final rule.

The existing regulations included provisions to implement the Department of the Interior Appropriations Act, Fiscal Year 1981, Public Law 96–514 (Dec. 12, 1980), 94 Stat. 2957, 2964, and the Barrow Gas Field Transfer Act of 1984, Public Law 98–366 (July 17, 1984), 98 Stat. 468, 470.

The BLM proposed to reinstate § 2361.7 and revert to the original regulatory language that published in the rule promulgated in 1977 (42 FR 28721, June 3, 1977).

Public Comments on the Proposed Rule

No substantive public comments were received on the specific language of this section.

Summary of Key Changes Between the Proposed and Final Rule

The BLM updated this section with minor grammatical edits.

2361.7 Severability (2024 Rule)

Existing § 2361.7 is removed in the final rule.

The existing rule established that if any provision of part 2360 is invalidated, then all remaining provisions would remain in effect.

The BLM proposed to revert to the original regulatory language that published under the rule promulgated in 1977 (42 FR 28721, June 3, 1977).

Public Comments on the Proposed Rule

No substantive public comments were received on the specific language of this section.

Summary of Key Changes Between the Proposed and Final Rule

The BLM did not change this section of the proposed rule in the final rule.

2361.10 Protection of the Environment

The title of this section is changed from “protection of surface resources” to “protection of the environment” in the final rule.

The 2024 NPR–A Rule included standards and procedures for managing and protecting surface resources in the NPR–A from the reasonably foreseeable and significantly adverse effects of oil and gas activities, including that, in some circumstances, the BLM may delay or deny proposed activities that would cause reasonably foreseeable and significantly adverse effects on surface resources. The existing regulations spelled out procedures for protecting surface resources in the NPR–A and directed the BLM to manage oil and gas activities in accordance with the IAP. Additionally, paragraph (b)(2) of the existing regulations required the BLM, in each decision concerning oil and gas activity in the NPR–A, to adopt measures to mitigate the reasonably foreseeable and significantly adverse effects on surface resources, taking particular care with surface resources that support subsistence. Paragraph (b)(3) requires the documentation and consideration of any uncertainty concerning the nature, scope, and duration of potential effects on surface resources, and assurance that any conditions or restrictions on proposed oil and gas activities account for and reflect any such uncertainty.

As described above, these standards and procedures largely conflicted with the statutory direction in the NPRPA, as amended, or were not necessary to comply with that statutory direction, and were not consistent with the current national energy policy as articulated in, among other things, E.O. 14153. Specifically, § 2361.10(a) requires the BLM to consider community access and infrastructure needs as part of mitigation for proposed projects, § 2361.10(b)(2) requires the BLM to take particular care to account for, and mitigate adverse effects on, surface resources that support subsistence uses and needs when considering a proposed activity; and § 2361.10(b)(3) requires the BLM to document consideration of any uncertainty with regard to potential effects on surface resources and shall

ensure that any conditions, restrictions, or prohibitions account for and reflect any such uncertainty. None of these provisions is required by statute, and collectively they have the potential to impermissibly delay the BLM's ability to implement the purpose of the NPRPA for exploration and production of oil and gas resources and frustrate furtherance of this Administration's National Energy Policy. The BLM also proposed to revise § 2361.10 by removing unnecessary language (e.g., 2361.10(b)(1)) and to ensure consistency with the NPRPA requirements for petroleum exploration and development in the NPR-A and to ensure the language of the regulations is consistent with current national energy policy.

Public Comments on the Proposed Rule

Comment: A commenter recommended that the BLM note in its regulation that the discretion of the authorized officer (AO) is limited "[t]o the extent consistent with the requirements of this Act for the exploration of the reserve" and avoid granting unchecked authority to "limit, restrict, or prohibit use of and access to lands within the Reserve." The commenter stated that the NPRPA explicitly directs the BLM to "make such dispositions of mineral materials and grant such rights-of-way, licenses, and permit as may be necessary to carry out his responsibilities under this act" and recommended that the BLM align its management more closely with congressional intent and law.

BLM Response: The BLM AO's delegated authority will be exercised consistent with applicable law(s) and policy under the Department and/or Bureau. To the extent the commenter felt that the 2024 NPR-A Rule increased the discretion of the AO through phrases such as "the Bureau must protect surface resources by adopting *whatever* conditions, restrictions, and prohibitions [BLM] deems necessary," 2361.10(a), this rule removes any ambiguity.

Comment: A commenter stated that the 2024 NPR-A Rule unlawfully and retroactively impacts existing operations and valid existing lease rights by providing the BLM with the requirement that it "must protect surface resources by adopting *whatever* conditions, restrictions, and prohibitions it deems necessary." They said this direction directly contravenes FLPMA's charge that the BLM prevent "unnecessary or undue degradation of public lands" and cited DOI court decisions stating that FLPMA's non-impairment standard "cannot be used to defeat a lessee's valid existing right to

develop a lease." The commenter stated that the BLM cannot unilaterally modify the terms of an existing lease to impose the 2024 NPR-A Rule to protect surface resources, as valid existing rights are not pre-empted by the BLM's future determinations for resource protection. The commenter cited Federal court interpretations that valid existing rights mean Federal agencies cannot impose stipulations that make development on existing leases uneconomic or unprofitable, and that any application of the 2024 NPR-A Rule to constrain development of existing leases would constitute a material breach or regulatory taking.

BLM Response: This final rule rescinds the 2024 NPR-A Rule. However, the NPRPA provides that activities undertaken within the NPR-A may include or provide for such conditions, restrictions, and prohibitions as the Secretary (acting through the BLM) deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the NPR-A (42 U.S.C. 6506a(b)). As such, this provision remains a requirement of law and not the 2024 NPR-A Rule. The BLM will implement that provision subject to valid existing rights and other applicable law.

Summary of Key Changes Between the Proposed and Final Rule

The BLM updated this section with minor grammatical edits and clarifications. In addition, the BLM changed the final rule by deleting paragraph (b) from the 1977 language because the USGS is no longer responsible for managing exploration in the NPR-A (S.O. 3071, 47 FR 4751 (Feb. 2, 1982); S.O. 3087, 48 FR 8982–83 (Mar. 2, 1983)); updating language to use modern nomenclature and practices including the need to consult with both Tribes and ANCSA Corporations; and updating to take into account laws related to historic properties and archaeological sites that were enacted after the 1977 rule was promulgated. These laws have taken the place of what used to be called a Federal Antiquities permit.

2361.20 Existing Special Areas (2024 Rule)

Existing § 2361.20 is removed in the final rule.

The 2024 NPR-A Rule required any lands designated as a special area to continue to be managed as such for the already-identified values and any additional values identified through the process set forth in existing § 2361.30. The existing rule specified that a map of

each special area would be available at the Arctic District Office, which is the BLM office that currently oversees the NPR-A. The BLM would also publish and maintain copies of these maps on its website.

The BLM proposed to revert to the original regulatory language that published in the rule promulgated in 1977 (42 FR 28721, June 3, 1977), which did not include a specific section on existing special areas. This section is unnecessary to effectively manage surface resources in the NPR-A. Management decisions, including the boundaries of special areas, the significant surface values to be protected, and which stipulations and required operating procedures are necessary to ensure proper protection of surface resources, have historically been made through the IAP process. This allows for maximum flexibility. The existing rule codifies which resource values should receive protection in existing special areas, which could complicate the BLM's ability to make timely decisions for protection of surface resources and for authorized uses within the NPR-A. The IAP process or project-level decisions remain superior vehicles for explaining how exploration and development within designated areas should occur.

Public Comments on the Proposed Rule

No substantive public comments were received on the specific language of this section.

Summary of Key Changes Between the Proposed and Final Rule

The BLM did not change this section of the proposed rule in the final rule.

2361.30 Special Areas Designation and Amendment Process (2024 Rule)

Existing § 2361.30 is removed in the final rule.

The existing rule added a new section that provided redundant standards and procedures for designating and amending special areas, a process that has historically been addressed through the IAP process. The existing rule establishes a rigid framework for the BLM's decisions to designate special areas based almost entirely on whether significant resource values already codified in § 2361.20 are present, and prohibited the BLM from considering the existence of measures to protect or otherwise administer those values. This approach limits the BLM's ability to quickly adapt management of surface resources to changes in technology or the changing development landscape in order to implement an expeditious program of oil and gas leasing. The

identification of “special” areas where significant values exist in NPR–A is a fact-based inventory determination based on the best available information during preparation of an IAP. As such, the special area boundaries that result are not areas set aside specifically for non-development but simply a recognition of where certain management prescriptions may be necessary to accomplish “maximum protection” of those surface values, while allowing development to occur. The IAP process uses current resource surveys, an understanding of where future development may occur, and public input to consider how best to set special area boundaries, identify significant surface resources in need of protection, and develop appropriate protection measures for those values based on the best available data. This process, not the process detailed in the existing rule, is the process by which the boundaries of all current special areas were designated. Also, 2361.30(c)’s unnecessary constraints on removal of land from special areas prohibits the BLM from considering site-specific factors other than the values being present (e.g., a determination that those values are no longer significant) in determining whether to remove lands from special areas, again in frustration of the NPRPA’s primary and dominant purpose: oil and gas exploration and production.

The BLM proposed to revert to the original regulatory language that published in the rule promulgated in 1977 (42 FR 28721, June 3, 1977). As has been the standard since long before the 2024 NPR–A Rule, special area identification, including boundaries and management restrictions, are made through the IAP process. This section is unnecessary to effectively manage surface resources in the NPR–A. Management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources and consideration of special areas, are made through the IAP process. Additionally, many of the procedures outlined in § 2361.30 are the same as those used in the IAP process, including the use of best available scientific information in § 2361.30(a)(1), the public notice and comment requirement in § 2361.30(a)(2), and the consultation requirements in § 2361.30(a)(3). Further, the BLM’s public input obligations for special areas in §§ 2361.30(b)(3) and 2361.30(c)(2) are captured by § 2361.10(c) of this final rule. The existing rule either reiterates already-existing processes or adds additional,

unnecessary processes that could complicate the BLM’s ability to make timely decisions for protection of surface resources and for authorized uses within the NPR–A.

Public Comments on the Proposed Rule

Comment: A commenter expressed support for the requirement to perform a review every 10 years. The commenter said that, critically, the 2024 NPR–A Rule requires the BLM to invite Tribes, local residents, and the public to recommend lands or values for protection during each review. The commenter said that this process creates an ongoing dialogue where our knowledge can directly inform land management, which is community planning in action. Rescinding the 2024 NPR–A Rule would cut off that dialogue, according to the commenter.

BLM Response: Under this final rule, the BLM is free to review special areas at any time and may do so through a full IAP revision process, or through a targeted amendment to the IAP. Further, the final rule requires the BLM to seek comments on recommendations from the public and submit these comments along with the recommendation to the Secretary on any proposed special area. In addition, this final rule does not affect the BLM or DOI’s requirements or commitment to consult with federally recognized Tribes and ANCSA Corporations nor does it reduce opportunities for co-stewardship agreements. These remain available to federally recognized Tribes, ANCSA Corporations, and Federal agencies pursuant to E.O. 13175 *Consultation and Coordination with Indian Tribal Governments*, Department policy (Joint S.O. 3403 *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*) and the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638). To clarify however, the BLM has modified the language in 2361.10(d) in the final rule to include references to Indian Tribes and ANCSA Corporations as part of the BLM’s obligation to consult on protection of the environment when making management decisions in the NPR–A.

While rescinding the rule does eliminate certain provisions that created a specific schedule for public input and consultation during decision-making processes, particularly for special areas, the BLM’s public input obligations remain unchanged both as required by §§ 2361.10(c) and 2361.10(d)(1) of this final rule and as a part of future IAP and project-specific decision-making processes.

Comment: A commenter expressed support for the 2024 NPR–A Rule’s codification that special areas like the Teshekpuk Lake Special Area, which includes Fish Creek, must be managed for maximum protection of their significant values, including fish habitat. The commenter stated that the 2024 NPR–A Rule provides for new special areas to be designated to protect places like Fish Creek explicitly for subsistence fishing. The commenter urged the BLM to strengthen protections for fish and water by prohibiting infrastructure in key fish habitats and strictly limiting water withdrawals, or at minimum retain the 2024 NPR–A Rule’s protective baseline.

BLM Response: The NPRPA is a dominant-use statute that directs the BLM to manage the NPR–A primarily for oil and gas leasing, exploration, development, and production, and provides the BLM with discretion to determine the appropriate framework for protecting surface resources throughout the NPR–A. Further, the maximum protection of significant surface values within special areas, while required by the NPRPA, only applies to the extent consistent with the exploration and production requirements of the Act. This rule correctly reflects this statutory mandate.

As has been the standard since long before the 2024 NPR–A Rule, special area identification, including boundaries and management restrictions, are made through the IAP process and that will be unaffected by this rule. As discussed earlier, subsistence use is one of the significant surface values for which the BLM may apply maximum protection measures within special areas, to the extent consistent with the exploration and production requirements of the Act.

The final rule returns management of the NPR–A to the primary purpose of oil and gas leasing, exploration, development, and production, but—like the 2024 NPR–A Rule—it is not self-executing, meaning that it does not itself make any substantive changes on the ground and will not restrict the BLM’s discretion to take or authorize future on-the-ground actions. Instead, this rule provides the BLM with the appropriate level of discretion to consider future on-the-ground actions—through the IAP process or project-specific decision making to analyze and account for the impacts to surface values and subsistence activities—consistent with the resource protection provisions of the NPRPA. These management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of

surface resources under the NPRPA (both within and outside special areas), are appropriately made through the IAP process, as well as project-specific decisions.

Summary of Key Changes Between the Proposed and Final Rule

The BLM did not change this section of the proposed rule in the final rule.

2361.40 Management of Oil and Gas Activities in Special Areas (2024 Rule)

Existing § 2361.40 is removed in the final rule.

The existing rule added a section that detailed mechanisms for maximum protection of significant resource values in special areas by establishing new standards and procedures for achieving maximum protection of special areas, with a specific focus on oil and gas activities. It required the BLM to take such steps to avoid the adverse effects of oil and gas activities on special areas, including by conditioning, delaying action on, or denying proposals for activities (2361.40(a–c)). The rule codified that leasing and new infrastructure must conform to maps published as of June 6, 2024 (2361.40(d)) and established a presumption against leasing and new infrastructure on lands in special areas, even if the area is allocated as available for those activities (2361.40(f)). The rule limited the use of lands within special areas that were allocated as closed to leasing or unavailable to new infrastructure as of June 6, 2024 to certain circumstances, such as where new infrastructure would “primarily be used by and provide a benefit to communities” in the Reserve, or where a new lease would address drainage (2361.40(e)). The rule required certain additional documentation in an Environmental Assessment (EA) beyond what the National Environmental Policy Act (NEPA) requires for EAs, including that the rule required the BLM to document and consider any uncertainty regarding potential adverse effects on special areas and ensure that any approvals account for such uncertainty (2361.40(g)). It also required the BLM to prepare a statement of adverse effect whenever it cannot avoid adverse effects on a special area. In each statement, the BLM was required to describe the significant resource values that may be affected; the nature, scope, and duration of the effects; measures the BLM evaluated to avoid those effects; a justification for not requiring those measures; and measures it would require to minimize and mitigate the adverse effects on significant resource values.

The BLM proposed to remove this section as it would unnecessarily restrict the leasing, exploration, development, and production of oil and gas resources within the NPR–A, which is contrary to the congressional direction in the NPRPA to develop lands within the NPR–A, including special areas, as part of an expeditious oil and gas leasing program. For example, 2361.40(a) directs the authorized officer to consider “conditioning, delaying action on, or denying proposals for activities, either in whole or in part” as necessary to avoid the adverse effects on significant resource values of Special Areas. Further 2361.40(e) directs the authorized officer to “presume that proposed oil and gas activities should not be permitted” within special areas unless certain findings are made. This would effectively prohibit any new oil and gas leasing and new infrastructure, unless required for existing leases, in areas that the BLM had designated as open to leasing or available for new infrastructure in the 2022 IAP. The presumption against oil and gas leasing and new infrastructure established in the 2024 NPR–A Rule coupled with the adoption by rule of the 2022 IAP maps is contrary to the plain language direction of the NPRPA because it creates a framework that would effectively prohibit new leasing and new oil and gas infrastructure in certain areas the BLM had already determined, through the IAP process, should be available for leasing and new infrastructure just two years earlier. In doing so, the 2024 NPR–A Rule circumvents the analysis and public process that went into developing the decisions in the 2022 IAP, particularly the decisions to leave certain portions of special areas open to oil and gas leasing and new infrastructure. While the 2024 NPR–A Rule provides a process for redesignating or modifying the management restrictions within special areas, the rule would require additional analysis and findings that go beyond what otherwise would be required by the NPRPA or NEPA. This regulatory sleight of hand is by is contrary to the to the purposes of the NPRPA that the BLM implement an expeditious oil and gas leasing, exploration, development, and production in the NPR–A, and contravenes decades of agency practice. This restriction is therefore contrary to the purposes and plain language of the NPRPA and creates uncertainty for industry.

In addition, this section is unnecessary to effectively manage surface resources in the NPR–A and is

inconsistent with the national energy policy of this Administration. The additional procedures in this section do not further the purposes of the NPRPA and instead create delays and limit both the BLM and operators’ ability to effectively carry out their obligations. For example, soon after the rule was issued, the BLM was required to complete a statement of adverse effect under 43 CFR 2361.40(g)(6) before approving the renewal of CPAI’s annual environmental monitoring permit for 2024, part of the environmental monitoring and baseline studies in the required operating procedures for the 2022 NPR–A IAP ROD. The statement of adverse effect largely summarized information that had already been presented to the public and analyzed by the BLM in previously completed NEPA analysis, ANILCA section 810 analysis, and ESA consultation related to the approval of the project years earlier. This extra step delayed the BLM’s renewal of CPAI’s monitoring permit and impacted CPAI’s ability to begin its seasonal monitoring on time. Further, NEPA and the Department’s NEPA implementing procedures detail all that is needed for EAs.

Public Comments on the Proposed Rule

Comment: Commenters stated that the BLM lacks authority to require compensatory mitigation in the NPR–A under § 2361.40(g). One commenter pointed out that a bedrock principle of administrative law is that agency regulations must be based on statutory authority, and congressional statutes define the permissible bounds of a Federal agency action. The commenter stated that NPRPA and FLPMA do not authorize or contemplate compensatory mitigation, contrary to the position BLM took in the 2024 Rule.

BLM Response: The provision under § 2361.40(g) discussing compensatory mitigation is removed from the final rule as part of this process.

Comment: A commenter stated that the 2024 NPR–A Rule requires that the BLM face any trade-offs openly. They expressed that under the 2024 NPR–A Rule, if a proposed oil activity would harm a special area, the BLM must prepare a statement of adverse effect describing the significant subsistence or environmental values at stake, the nature and duration of the harm, all the avoidance measures considered, and why those measures could not be adopted. The commenter stated that the statement must also detail what mitigation the BLM will require to minimize the damage (including compensatory mitigation, if needed). The commenter expressed that this

document cannot be tucked away—the 2024 NPR–A Rule makes it public and subject to community review and comment, and the BLM must consult with affected Tribes before finalizing it. The commenter stated that this process is invaluable as it forces the BLM to acknowledge the real-world impacts on subsistence and culture, on the record, before approving any project in a special area. In addition, an individual commenter said that this requirement that activities have “no or minimally adverse effects” is not an obstruction to development but rather a necessary filter that ensures wildlife and cultural values are not irreparably harmed by short-sighted industrial expansion.

BLM Response: After thorough consideration, the BLM has determined that a standalone statement of adverse effect is unnecessary because the BLM’s existing legal obligations under NEPA, ESA, ANILCA, and the NHPA, as well as other laws, already require comprehensive analysis, public transparency, and tribal consultation. Further, requiring additional processes that are duplicative and overly complex introduced procedural inefficiencies and uncertainty that unreasonably restricted the leasing, exploration, development, and production of oil and gas resources contrary to the purposes of the NPRPA and the national energy policy.

As an example, for the 2024 renewal of CPAI’s annual environmental monitoring—a requirement of the environmental monitoring and baseline studies required by the 2022 NPR–A IAP ROD Required Operating Procedures—the BLM was required to write a statement of adverse effect document in addition to the NEPA, ANILCA section 810 analysis, and ESA consultation. This statement was a regurgitation of the information already analyzed in the other three documents. Rescinding the 2024 NPR–A Rule removes this burdensome and redundant practice.

Therefore, this final rule rescinds the procedural complexity created by the requirement for a statement of adverse effect which deters development rather than appropriately regulating development consistent with the statutory framework under the NPRPA.

Summary of Key Changes Between the Proposed and Final Rule

The BLM did not change this section of the proposed rule in the final rule.

2361.50 Management of Subsistence Uses Within Special Areas (2024 Rule)

Existing § 2361.50 is removed in the final rule.

The 2024 NPR–A Rule added a new section that required special areas to be managed to protect and support fish and wildlife and their habitats and the associated subsistence use of those areas by rural residents as defined in 50 CFR 100.4, the DOI’s subsistence management regulations for public lands in Alaska. The rule also required the BLM to provide appropriate access to and within special areas for subsistence purposes and explicitly referenced assuring maximum protection of the significant resource values of the special areas in the context of providing that access.

The BLM proposed to remove this section as it is unnecessary to effectively manage surface resources in the NPR–A. Management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources and consideration of special areas, are made through the IAP process and associated ANILCA section 810 analysis. The existing rule simply adds additional, unnecessary processes that could complicate the BLM’s ability to make timely decisions for protection of surface resources and for authorized uses within the NPR–A.

Public Comments on the Proposed Rule

No substantive public comments were received on the specific language of this section.

Summary of Key Changes Between the Proposed and Final Rule

The BLM did not change this section of the proposed rule in the final rule.

2361.60 Co-Stewardship Opportunities in Management of Special Areas and Subsistence (2024 Rule)

Existing § 2361.60 is removed in the final rule.

The existing rule added a new section that specified co-stewardship opportunities for special areas, including co-management, collaborative and cooperative management, and tribally led stewardship.

The BLM proposed to remove this section as it is redundant to existing E.O. 13175 *Consultation and Coordination with Indian Tribal Governments* and Department policy (Joint S.O. 3403 *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*). In addition, it is unnecessary to effectively manage surface resources in the NPR–A.

Public Comments on the Proposed Rule

Comment: A commenter expressed support for the 2024 NPR–A Rule’s creation of an explicit pathway for Tribal co-management of the NPR–A. The commenter stated that § 2361.60 directs the BLM to “seek co-stewardship opportunities” in managing special areas and subsistence resources, establishing shared stewardship as an obligation flowing from DOI’s trust responsibility and Joint S.O. 3403. The commenter expressed concern that repealing the 2024 NPR–A Rule would eliminate this formal commitment to co-management and return to a piecemeal approach.

BLM Response: This final rule, that in part rescinds regulations specifying co-stewardship opportunities within the NPR–A, does not affect legal requirements nor the BLM’s commitment to consult with federally recognized Tribes and ANCSA Corporations. Furthermore, this final rule does not eliminate the BLM’s ability to consider or establish co-stewardship agreements. These processes will remain available to Federally recognized Tribes and ANCSA Corporations, the same as they have been available and utilized in the past, via existing E.O. 13175 and Joint S.O. 3403, or via the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638). To clarify however, the BLM has modified the language in 2361.10(d) to include references to Indian Tribes, and ANCSA Corporations as part of the BLM’s obligation to consult on protection of the environment when making management decisions in the NPR–A.

Demonstrated examples of BLM co-stewardship agreements across Alaska, which were established without the 2024 NPR–A Rule, include, but are not limited to: a multi-year, self-governance funding agreement to transfer a portion of the BLM’s cultural resource activities and functions to Kawerak, Inc. (a Tribal non-profit consortium representing 20 Tribal governments in the Bering Strait Region); a multi-bureau self-governance funding agreement for education and outreach programs that further subsistence and Indigenous Knowledge with the Tanana Chiefs Conference (a consortium of federally recognized Indian Tribes); and a multi-year self-governance funding agreement with Ahtna, Inc. (the ANCSA Regional Corporation) with lands stretching across the southcentral interior of Alaska, to improve management of easements that provide access to public lands and waters across privately owned Ahtna lands.

Summary of Key Changes Between the Proposed and Final Rule

The BLM did not change this section of the proposed rule in the final rule.

2361.20 Use Authorizations (2025 Rule)

Existing § 2361.70 is redesignated to § 2361.20 in the final rule.

The existing regulations reiterated purposes and descriptions of the BLM's duties to protect surface resources and assure maximum protection of special areas significant resource values in the NPR–A.

The BLM proposed to revert to the original regulatory language that published in the rule promulgated in 1977 (42 FR 28721, June 3, 1977).

Public Comments on the Proposed Rule

No substantive public comments were received on the specific language of this section.

Summary of Key Changes Between the Proposed and Final Rule

The BLM updated this section to update cross references, and make minor grammatical edits to correct a typographical error in the 1977 regulation text.

2361.30 Unauthorized Use and Occupancy (2025 Rule)

Existing § 2361.80 is redesignated to § 2361.30 in the final rule. No substantive changes were proposed to this section.

Public Comments on the Proposed Rule

No substantive public comments were received on the specific language of this section.

Summary of Key Changes Between the Proposed and Final Rule

The BLM did not change this section of the proposed rule in the final rule.

VI. Procedural Matters

Regulatory Flexibility Act (RFA)

The Secretary of the Interior certifies that this final rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The requirements of the rule are imposed on the BLM to govern their procedures. Private entities, including small entities, are not subject to the requirements of the rule and therefore will not incur costs or benefits from the changes. As such, the BLM is not required to prepare a final regulatory flexibility analysis with this final rule.

As assessed in the final rule economic analysis threshold analysis, this rule

simply changes the BLM's internal procedures, which do not impose direct regulatory costs on any small entities. While beneficial impacts may accrue to small entities from BLM decisions made after the rule is issued, those benefits will be realized only if future decision-making processes result in increased production. Specifically, following finalization of the rule, the BLM would have to hold a successful lease sale, approve any necessary geologic or geophysical exploration, and approve an application for permit to drill and any right of way permits necessary for development.

Thus, any small entities trying to bid on or develop a lease may benefit from the rescission of the 2024 NPR–A Rule only if those future decisions result in project approvals at each stage. Any benefits are unlikely to flow directly from the rule change. As a result, the BLM determined that the final rule will not have a “significant economic impact on a substantial number of small entities.”

Additionally, the BLM's analysis of the economic impacts of the rule demonstrates that, even if this rule were to have any effects on small businesses, it would not have a significant negative economic effect on a substantial number of small businesses. The Small Business Administration (SBA) has developed size standards to carry out the purposes of the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act. The size standards can be found at 13 CFR 121.201. For a specific industry identified by the North American Industry Classification System (NAICS), small entities are defined by the SBA as an individual, limited partnership, or small company considered at “arm's length” from the control of any parent company, which meet certain size standards.

If it has any effect, the final rule is most likely to affect business currently operating in the oil and gas sector in or near the NPR–A. Through a search of publicly available information, on the ground knowledge, and public comments, the BLM found that between two and four of the eight businesses holding leases in the NPR–A may be small entities according to the size standards in 13 CFR 121.201.

While these small businesses will not experience any impacts from the requirements of this rule, they may read the rule to be familiarized with it. These small businesses likely earn greater than \$20 million in annual revenue and therefore will not experience a significant impact from familiarization, estimated to be roughly \$270 for a

manager to spend 2 hours reading the rule.

The SBA size standards identify small business in crude petroleum extraction (NAICS 211120) and natural gas extraction (NAICS 211130) to be those with 1,250 or fewer employees. In addition to those companies currently operating in the NPR–A, the 2025 Final Rule may impact other small businesses in oil and gas adjacent industries operating in Alaska. These businesses may be interested in expanding to the NPR–A if there are new opportunities to do so.

Other industries in the oil and gas sector as well as their respective SBA size standards are NAICS 213111 Drilling Oil and Gas Wells (1,000 employees) and NAICS 213112 Support Activities for Oil and Gas Operations (\$47 million annual receipts). The U.S. Census Bureau's Statistics of U.S. Businesses (SUSB) reports the number of firms operating in each State by industry and employment size category. According to the Statistics of U.S. Businesses, there are approximately 30 to 40 small businesses involved in extraction, drilling, or support activities in the oil and gas industry in Alaska. In the broader sector of Mining, Quarrying, and Oil and Gas Extraction in Alaska, there are 105 small employers as well as 234 non-employers (2025 Office of Advocacy Alaska Small Business State Profile). These small businesses are not subject to the rule and do not experience any impacts from this rule.

In the proposed rule, the BLM also solicited additional information from the public regarding the potential impacts to small businesses from the rescission of the 2024 NPR–A Rule. Out of more than 250,000 public comments, fewer than 10 mentioned impacts to small businesses or governments. While the vast majority of these comments generally discussed the potential for positive impacts, they did not include specific information or supporting evidence that the regulatory change will cause these benefits. One comment, not from a small business, speculated that the rule change could have a negative economic impact on small ecotourism businesses. However, this is inconsistent with the general patterns of tourism (hunting and general recreation guide permits) within the NPR–A. Therefore, according to the BLM's analysis and public comments received, the final rule would not negatively impact a substantial number of small businesses in the NPR–A.

In addition, the BLM identified five small governmental jurisdictions that likely qualify as small entities according to the Regulatory Flexibility Act as they

are governments of a population with less than 50,000 people. These governments include the North Slope Borough, the City of Wainwright, the City of Utqiagvik, the City of Atkasuk, and the City of Nuiqsut. These small entities rely on revenue from property taxes levied on oil and gas infrastructure in the NPR-A. Because the requirements of the rule are imposed on the BLM to govern their procedures, these small entities will not experience any change in impact from this rule. No small non-governmental organizations in the NPR-A commented that the rule would impact their ability to do business or advocacy. Therefore, the BLM determines that no small organizations independent and not dominant in their field will experience any impact from this rule.

Public Comments Received

Comment: A commenter stated that the economic analysis failed to consider the Iñupiat people as affected economic actors, discussing small entities exclusively in terms of oil-field contractors while ignoring impacts on North Slope residents, particularly those in Nuiqsut who live within the NPR-A. Similarly, an individual commenter said that the BLM considered the economic opportunities for small companies that worked directly on and “adjacent to” oil and gas exploration and extraction, but did not consider economic impacts to small companies or residents that work in other disciplines, such as tourism, hunting, recreation, arts, subsistence, etc.

BLM Response: The RFA aims to minimize the regulatory burden placed on small entities by Federal agencies by requiring Federal agencies to account for the cost of compliance with agency rules. The RFA applies to three types of small entities: small businesses as defined by section 3 of the Small Business Act (Pub. L. 85–536); small nonprofits that are independently owned and operated and not dominant in its field; and small governmental jurisdictions, such as governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000. The IRFA analyzed potential impacts to small businesses and potential economic impacts to small government jurisdictions, including Wainwright, Utqiagvik, Atkasuk, and Nuiqsut. Detail has been added on other potential small entities that were identified through public comment including the North Slope Borough. Additional information on hunting and general recreation guide businesses was collected and the BLM determined the

rule would not negatively affect these businesses. Ultimately, this final rule does not directly regulate small businesses, therefore there are no compliance costs for the final rule. While there may be beneficial impacts to small entities that may occur as a result of downstream decisions made after the rule is issued, the BLM determined that the final rule will not have a “significant economic impact on a substantial number of small entities.” Thus, a certification under section 605(b) of the RFA is appropriate.

Congressional Review Act

Based upon the economic analysis prepared for this rule, this rule is not a major rule under 5 U.S.C. 804(2), subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule:

- (a) Will not have an annual effect on the economy of \$100 million or more.
- (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (c) Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments, or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by UMRA (2 U.S.C. 1531 *et seq.*) is not required for the final rule. This final rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments, because it contains no requirements that apply to such governments, nor does it impose obligations upon them.

Takings (E.O. 12630)

This rule does not affect a taking of private property or otherwise have taking implications under E.O. 12630. Section 2(a) of E.O. 12630 identifies policies that do not have takings implications, such as those that abolish regulations, discontinue governmental programs, or modify regulations in a manner that lessens interference with the use of private property. The rule will not interfere with private property. A takings implication assessment is not required.

Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Paperwork Reduction Act

The Paperwork Reduction Act (PRA) (44 U.S.C. 3501–3521) generally provides that an agency may not conduct or sponsor and not withstanding any other provision of law a person is not required to respond to, a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. Collections of information include any request or requirement that persons obtain, maintain, retain, or report information to an agency, or disclose information to a third party or to the public (44 U.S.C. 3502(3) and 5 CFR 1320.3(c)).

This final rule contains information-collection requirements that are subject to review by OMB under the PRA. The information-collection requirements pertaining to submitting recommendations to designate lands as a special area within the NPR-A are generally approved by OMB under OMB Control Number 1004–0221 with a current expiration date of October 31, 2027.

The final rule rescinds and revises the information collection requirements pertaining to submitting special area recommendations within the NPR-A. The previous information collection requirements have been moved from 43 CFR 2361.30 to 2361.10(c). The change to the information collection requirements, along with the estimated associated burdens, are discussed below.

Recommendations for Special Areas (43 CFR 2361.10(c))

The prior regulations at § 2361.30(b)(3) contain one (1) non-form information collection requirement that is subject to the PRA. The prior regulations provided that the following information be provided when a

member of the public recommends lands for a special area designation:

- The size and location of the recommended lands;
- The significant subsistence, recreational, fish and wildlife, historical, or scenic resource values that are present within or supported by the recommended lands;
- Measures that may be necessary to assure maximum protection of those values; and
- Any other pertinent information.

The revised information collection requirements located in § 2361.10(c) are as follows:

- A description of the values which make the area special;
- The significant subsistence, recreational, fish and wildlife, historical, or scenic resource values that are present within or supported by the recommended lands (See § 2361.5(f));
- The size and location of the area on appropriate USGS quadrangle maps; and
- Any other pertinent information.

The BLM does not believe that the revised information collection requirements for special area recommendations would result in a change in public burdens under this OMB Control Number 1004–0221. The only significant change from the prior to final information collection requirement for special area recommendations is the simplification of the administrative process and the specific request for USGS quadrangle maps. Additionally, we adjusted the estimated number of annual responses from 100 to 10 as we believe that it is unlikely that the BLM would receive more than 10 recommendations per year. This adjustment reduces the annual estimated burden hours associated with special area recommendations from 1,500 to 150.

The total burdens under this OMB Control Number are summarized below.

Title of Collection: Management and Protection of the National Petroleum Reserve in Alaska—Recommendations for Special Reserve Areas (43 CFR 2361.10(c)).

OMB Control Number: 1004–0221.

Form Numbers: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Participants within the oil and gas exploration program.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Estimated Completion Time per

Response: 15 hours.

Number of Respondents: 10.

Annual Responses: 10.

Annual Burden Hours: 150.

Annual Burden Cost: None.

The BLM received one comment in response to the proposed rule that addressed the information collection aspects of the rule. The commenter was generally supportive of the changes introduced by the rule and noted that the changes will be substantially less burdensome on stakeholders than the efforts detailed in the 2024 Final Rule. A copy of this comment is included with the information collection request submitted to OMB in association with this final rule. If you want to comment on the information-collection requirements in this final rule, please send your comments and suggestions on this information-collection request within 30 days of publication of this final rule in the **Federal Register** to OMB by going to www.reginfo.gov. Click on the link, “Currently under Review—Open for Public Comments.”

National Environmental Policy Act (NEPA)

This final rule meets the criteria set forth at 43 CFR 46.210(i) for a Departmental categorical exclusion (CE). The CE covers policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case. Further, the proposed rule does not implicate any of the extraordinary circumstances listed in 43 CFR 46.215. A copy of the final CE is available at www.regulations.gov/docket/BLM-2025-0002.

Public Comments Received

Comment: A commenter stated that the BLM's reliance on a CE is unexplained and unsupported. A commenter stated that the BLM's reliance on a CE to evade conducting further NEPA review is unlawful given the 2024 NPR–A Rule's rescission would eliminate measures intended to reduce environmental harm. A commenter expressed that a wholesale rollback of protections in the 23-million-acre NPR–A is exactly the kind of major Federal action that requires rigorous environmental review and public involvement and skipping an analysis would violate NEPA. The commenter asserted that rescinding the 2024 NPR–A Rule would have foreseeable, significant environmental effects by stripping away requirements to mitigate harm, likely leading to more habitat loss, pollution, and unrestrained development. The commenter said that

the BLM acknowledged the proposed rule would enable additional opportunities for energy development through new energy infrastructure projects that would exacerbate environmental changes already burdening the North Slope. The commenter added that the BLM itself recognized in 1977 that promulgating rules to address management of resources in the NPR–A requires an EA at minimum. The commenter added that failing to conduct an NEPA analysis would marginalize Indigenous voices, because NEPA is one of the key processes through which they can make their concerns heard. An individual commenter said that applying the CE now is already presupposing the outcomes of the NEPA process.

BLM Response: The BLM disagrees with comments that environmental analysis under NEPA is required, or that extraordinary circumstances apply to this rulemaking. The BLM has determined that the CE set out at 43 CFR 46.210(i) (which did not exist at the time the BLM promulgated the rule in 1977) applies to this rulemaking. That provision excludes from NEPA analysis and review actions that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case. That CE applies because, like the 2024 NPR–A Rule, this final rule is not self-executing, meaning that it does not itself make any substantive changes on the ground and will not restrict the BLM's discretion to take or authorize future on-the-ground actions. Instead, this final rule allows the BLM to exercise its discretion to appropriately consider future on-the-ground actions, consistent with the NPRPA, NEPA, and other laws, under future agency decisions. As such, the rule fits within the CE for rules, regulations, or policies to establish bureau-wide administrative procedures, program processes, or instructions. There are ample opportunities to comment on BLM's decisions regarding the management of the NPR–A as required by §§ 2361.10(c) and 2361.10(d)(1) of this final rule and as a part of future IAP and project-specific decision-making processes.

The 2024 NPR–A Rule did not include any specific mitigation requirements but rather acknowledged that any measures necessary to mitigate harm would be developed through future IAP processes or project-specific authorizations. Therefore, rescinding the 2024 NPR–A rule would not strip

away requirements to mitigate harm as asserted by the commenter. Further, this final rule, by itself, does not enable additional opportunities for energy development because any new energy infrastructure projects would need to be considered through a future decision-making process. The environmental effects of future actions that may be undertaken consistent with the requirements of this final rule are too speculative or conjectural to be meaningfully evaluated at this time but will be subject to the appropriate level of NEPA review prior to making a decision, which also justifies the use of this CE.

That BLM prepared an EA in 1977 when it promulgated that final rule in no way limits its authority to utilize a categorical exclusion now. Indeed, the purpose of a categorical exclusion is to eliminate the need to prepare an environmental assessment. *See* 43 U.S.C. 4336(b)(2) (“an agency shall prepare an environmental assessment . . . unless the agency finds that the proposed agency action is excluded pursuant to one of the agency’s categorical exclusions . . .”).

Further, the 2024 NPR–A Rule explicitly relied on the same CE the Department seeks to rely on now. As background, the BLM completed an extensive NEPA analysis to support the 2020 IAP ROD—specifically a Final EIS issued by the agency in 2020 that evaluated a range of alternatives for managing oil and gas activities and resources in the NPR–A (NPR–A IAP Final EIS, available at <https://eplanning.blm.gov/eplanning-ui/project/117408/570>). That same NPR–A IAP Final EIS was later used to support the 2022 IAP ROD and was referenced as relevant to the 2024 NPR–A Rule in that rule’s preamble. However, the preamble for the 2024 NPR–A rule explicitly stated that the EIS was unnecessary because the rule qualified for a CE. In as much as the NPR–A IAP Final EIS was relevant to the 2024 rule, it is relevant here. However, just like the 2024 NPR–A IAP, this final rule does not alter any current on-the-ground management, and it meets the criteria set forth at 43 CFR 46.210(i) for a Departmental categorical exclusion in that this rule is “of an administrative, financial, legal, technical, or procedural nature;” and, as described above, the environmental effects of future actions that may be undertaken consistent with the requirements of this final rule are too speculative or conjectural to be meaningfully evaluated at this time but will be subject to the appropriate level of NEPA review prior to making a decision. Additionally, the final rule

does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would preclude the application of the categorical exclusion. As such, the BLM has complied with NEPA by relying on this categorical exclusion.

Comments: A commenter stated that the BLM failed to adequately consider alternatives to full rescission of the 2024 NPR–A Rule. The commenter explained that NEPA requires agencies to “study, develop, and describe technically and economically feasible alternatives” to a proposed action, and that the alternatives analysis is the “linchpin” of environmental analysis.

BLM Response: The alternative consideration for the regulatory process is not the same as NEPA alternatives. In Federal rulemaking, alternatives are considered to improve regulatory efficiency and reduce burdens, focusing on economic and practical impacts. Under NEPA, alternatives are analyzed to assess environmental consequences and ensure informed decision-making, with a required “no action” option and emphasis on environmental protection.

As stated in the NPRM RFA section, BLM appropriately considered two alternatives to the NPR–A proposed rule to assess whether benefits could be further increased for small entities. First, the BLM considered a partial rescission of 2024 requirements that would meet BLM’s statutory objectives and provide more benefits to small entities. Such a rescission was not selected because it would not be authorized under BLM’s authority and is inconsistent with the national energy policy. Second, the BLM considered delaying the repeal of requirements over time for affected small entities. This option was not selected because this would unnecessarily delay the benefits available for small entities, does not achieve BLM’s objectives, is inconsistent with the national energy policy, and would not be authorized under BLM’s authority.

Comment: A commenter expressed that the BLM’s failure to explain or provide support for its use of a categorical exclusion under the National Environmental Policy Act (NEPA) violates the APA, and it is not sufficient to document the applicability of the CE concurrently with the 2024 NPR–A Rule because it provides no opportunity for public comment.

BLM Response: The BLM has determined that the CE set out at 43 CFR 46.210(i) is appropriate for this rulemaking activity as it was for the 2024 NPR–A rule. The BLM’s CE authority precludes the need for more robust environmental analysis and

review under NEPA for actions that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case. That CE applies because the final rule realigns the regulatory framework to appropriately administer the BLM’s future intended focus of oil and gas exploration and development, but is not self-executing, meaning that it does not itself make any substantive changes on the ground and will not restrict the BLM’s discretion to take or authorize future on-the-ground actions.

The final rule allows for the BLM’s discretion to appropriately consider future on-the-ground actions, consistent with the NPRPA and other laws, under future agency decisions. As such, the rule fits within the CE for rules, regulations, or policies to establish bureau-wide administrative procedures, program processes, or instructions. This final rule does not authorize any project or other on-the-ground activity and therefore will have no significant individual or cumulative effects on the quality of the human environment. The environmental effects of future actions undertaken to implement this rule are too speculative or conjectural to be meaningfully evaluated at this time but will be subject to the appropriate level of NEPA review prior to making a decision. The BLM has also determined that none of the extraordinary circumstances identified at 43 CFR 46.215 apply to this rulemaking.

Comment: A commenter stated that the BLM failed to adequately consider alternatives to full rescission of the 2024 NPR–A Rule as required by NEPA. The commenter stated that the BLM dismissed two alternatives without adequate explanation: a partial rescission and a delayed implementation approach. The commenter said that the BLM failed to explain why less than full rescission “would not be authorized under BLM’s authority,” adding that the NPRPA expressly directs the BLM to protect environmental, fish and wildlife, and historical or scenic values in the NPR–A. The commenter recommended that the BLM should at minimum consider an alternative that removes only § 2361.50, the only provision the BLM identified as inconsistent with its legal duties. A commenter stated that if the BLM decides to move forward, it must consider alternatives to full rescission that retain core protections for significant resource values and special

areas while maintaining standards for resource management in the NPR–A.

BLM Response: The alternative consideration for the regulatory process is not the same as NEPA alternatives analysis. Under NEPA, alternatives are analyzed to assess environmental consequences and ensure informed decision-making, with a required “no action” option. In Federal rulemaking, Executive Order 12866 requires consideration of alternatives to improve regulatory efficiency and reduce burdens, with a focus on economic and practical impacts. Further, the RFA requires consideration of alternatives that may reduce the potential for significant impacts on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). With regard to the RFA, the BLM determined that the final rule will not have a significant economic impact on a substantial number of small entities because it does not directly regulate businesses, small governments, or NGOs and in turn, does not regulate small entities, therefore the BLM certified the rule pursuant to Section 605(b) of the RFA and, as a result, the Bureau is not required to complete any further alternatives analysis as part of a Final Regulatory Flexibility Analysis. As discussed earlier, the 2024 NPR–A rule created a regulatory framework that is unlawful under the NPRPA (beyond the concerning provisions in § 2361.50). The 2024 rule includes several provisions that individually and collectively restrict the leasing, exploration, development, and production of oil and gas resources within the NPR–A in a manner that is contrary to the congressional direction in the NPRPA to develop lands within the NPR–A, including special areas, as part of an expeditious oil and gas leasing program. The presumption against oil and gas leasing and new infrastructure in § 2361.50 is only one example. Other provisions in the rule created procedural hurdles for the BLM that reduced management flexibility and hindered the BLM’s ability to issue authorizations, including authorizations for required mitigation measures (see discussion of 43 CFR 2361.40(g)(6) earlier), which would potentially hinder the BLM’s ability to adapt to changing conditions in the NPR–A. As a result, the BLM could not just consider just eliminating § 2361.50, but must address the 2024 rule as a whole to bring it into alignment with the statutory authority provided in the NPRPA. Finally, rescinding the 2024 rule as a whole and restoring the *status quo ante*, is consistent with this administration’s

National energy strategy, and will increase certainty for users in the NPR–A.

The BLM has determined that the CE set out at 43 CFR 46.210(i) applies to this rulemaking. That provision excludes from NEPA analysis and review actions that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case. That CE applies because while the final rule returns the NPR–A to the intended focus of oil and gas exploration and development, it is not self-executing, meaning that it does not itself make any substantive changes on the ground and will not restrict the BLM’s discretion to take or authorize future on-the-ground actions. The BLM has also determined that none of the extraordinary circumstances identified at 43 CFR 46.215 apply to this rulemaking. As such, the BLM has completed the required CE as part of this final rule. Alternatives analysis is not a requirement for activities that are covered under a CE.

This final rule does not involve or authorize any project or on-the-ground activity and therefore has no significant individual or cumulative effects on the quality of the human environment. The final rule maintains the BLM’s discretion to consider future on-the-ground actions—through the IAP process or project-specific decision making to analyze and account for the impacts to surface values and subsistence activities—consistent with the resource protection provisions of the NPRPA. Therefore, as future agency actions warrant it, under NEPA or other applicable law, the BLM will perform the appropriate alternative development and analysis prior to agency decision-making.

Endangered Species Act

Public Comments Received

Comment: Commenters stated that the BLM must comply with its substantive and procedural obligations under the ESA. Commenters said that several ESA-listed species inhabit the NPR–A and its nearshore waters, including whales, bearded and ringed seals, spectacled and Steller’s eiders, and polar bears. The commenters added that section 7(a)(2) of the ESA mandates Federal agencies to ensure their actions are not likely to jeopardize threatened or endangered species or destroy critical habitat, and that the threshold for

triggering consultation is low. An individual commenter stated that the proposal to rescind protections must be evaluated in light of other regulatory rollbacks, including the narrowing of “incidental take” protections under the Migratory Bird Treaty Act, and proposals to eliminate the EPA’s Endangerment Finding or the definition of “foreseeable future.”

BLM Response: The final rule is not self-executing, meaning that it does not itself make substantive changes on the ground.

Further, the BLM evaluated whether ESA section 7 consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service is required for the final rule. The BLM determined that such consultation is not required because the final rule will have no effect on federally listed, candidate, or proposed threatened or endangered species. Nothing in the 2024 NPR–A Rule rescission changes the agencies’ obligation to consult under section 7(a)(2) of the ESA on Federal actions in the NPR–A, including oil and gas activities and the IAP. Management decisions, including which stipulations and required operating procedures are necessary to ensure proper protection of surface resources and consideration of special areas, are made through the IAP process and associated ESA section 7 analysis.

Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)

Public Comments Received

Comment: Commenters stated that if the BLM decides to move forward with rescinding the 2024 NPR–A Rule, it should engage in a meaningful Tribal consultation process with all affected Tribes and communities.

BLM Response: On May 14, 2025, invitation to consult letters were mailed to 33 Alaska native organizations in the region, including Alaska Native Tribes and ANCSA Corporations. 26 of these letters were also sent via email on May 14, 2025, to those entities for whom we have email addresses. BLM Alaska scheduled and attended all requested consultation meetings, including: May 21, 2025—North Slope Borough; May 27, 2025—Utqiagvik Trilateral (City of Utqiagvik, Ukpægvik Iñupiat Corporation, Native Village of Barrow); May 29, 2025—Kuukpiik Corporation; June 30, 2025—Arctic Slope Regional Corporation; and July 9, 2025—Iñupiat Community of the Arctic Slope.

Regulatory Planning and Review

Review Under Executive Order (E.O.) 12866

Section 6(a) of E.O. 12866 requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA determined that this regulatory action constitutes a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this action was submitted to OIRA for review under E.O. 12866.

The BLM is required to conduct an economic analysis in accordance with section 6(a)(3)(B) of E.O. 12866. A copy of the economic analysis for the final rule is available at www.regulations.gov/docket/BLM-2025-0002. A discussion of alternatives considered can be found in the section entitled Regulatory Flexibility Act above.

Public Comments Received

Comment: A legal services organization stated that the proposed rule restores the balance between environmental concerns and the need to develop sources of oil and gas and is in accordance with the authority of the Secretary of the Interior established by the NPRPA. Additionally, the commenter said that the proposed rule does not violate the major questions doctrine. The commenter said that the NPRPA designates certain areas within the NPR–A for the exploration and possible production of oil and gas, which demonstrates Congress’ intent for the future use of the region. The commenter said that the major questions doctrine does not apply because implementation of the proposed rule does not trigger “vast economic and political significance.” The commenter said that one of the ways the Court defines economic significance is if the rule lays “claim to extravagant statutory power over the national economy.” The commenter said that oil and gas exploration in Alaska serves an important role in the State and national economy, but the proposed rule does not impose an extensive regulatory regime over the national economy.

BLM Response: The BLM agrees that this final rule does not implicate the major questions doctrine. The NPRPA is a dominant-use statute that directs the BLM to manage the NPR–A primarily for oil and gas leasing, exploration, development, and production, and provides the BLM with discretion to determine the appropriate framework for protecting surface resources throughout the NPR–A. Further, the maximum protection of significant surface values within special areas, while required by the NPRPA, only

applies to the extent consistent with the exploration and production requirements of the Act. This rule correctly reflects this statutory mandate. More detail on the statutory history of the NPR–A is provided in Section II Background of this preamble.

Review Under E.O.s 14154, 14153, and 14192

DOI has examined this final rulemaking and has determined that it is consistent with the policies and directives outlined in E.O. 14154 *Unleashing American Energy*, E.O. 14192 *Unleashing Prosperity Through Deregulation*, and E.O. 14153 *Unleashing Alaska’s Extraordinary Resource Potential*. This final rule is an E.O. 14192 deregulatory action with no associated quantified cost savings.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (E.O. 13211)

Under E.O. 13211, agencies are required to prepare and submit a statement of energy effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for those matters identified as significant energy actions. This statement is to include a detailed statement of any adverse effects on energy supply, distribution, or use (including a shortfall in supply, price increases, and increase use of foreign supplies) should the proposal be implemented and reasonable alternatives to the action with adverse energy effects and the expected effects of such alternatives on energy supply, distribution, and use.

Section 4(b) of E.O. 13211 defines a “significant energy action” as any action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking that is a significant regulatory action under E.O. 12866 or any successor order, and is likely to have a significant adverse effect on the supply, distribution, or use of energy; or that is designated by OIRA as a significant energy action. This final rule will not have a significant adverse effect on the Nation’s energy supply.

Public Comments Received

Comment: An individual commenter said that under E.O. 13211, the BLM is required to make a detailed statement of any adverse effects on energy supply, distribution or use should the proposed rule be implemented. The commenter said that the BLM concluded that the

proposed rule, if finalized as proposed, is expected to not have a significant adverse effect on the Nation’s energy supply. However, the commenter said that, if the BLM proceeds as planned, the energy “unleashed” should significantly increase the supply, otherwise the inflicted damage will not be worthwhile.

BLM Response: E.O. 13211 states that agencies are required to prepare and submit a statement of energy effects with a detailed statement of any adverse effects on energy supply, distribution, or use (including a shortfall in supply, price increases, and increase use of foreign supplies) should the proposal be implemented and reasonable alternatives to the action with adverse energy effects and the expected effects of such alternatives on energy supply, distribution, and use. As such, a statement is not required if the anticipated effects are not likely to have a significant adverse effect on the supply, distribution, or use of energy—as is the case with this rulemaking effort.

List of Subjects in 43 CFR Part 2360

Alaska, Oil and gas activity, Protection of surface resources, Special areas, Tribes.

Leslie Beyer,

Assistant Secretary, Land and Minerals Management.

For the reasons set out in the preamble, the Bureau of Land Management revises 43 CFR part 2360 to read as follows:

PART 2360—NATIONAL PETROLEUM RESERVE IN ALASKA**Subpart 2361—Management and Protection of the National Petroleum Reserve in Alaska**

Sec.

- 2361.1 Purpose.
- 2361.2 Objectives.
- 2361.3 Authority.
- 2361.4 Responsibility.
- 2361.5 Definitions.
- 2361.6 [Reserved]
- 2361.7 Effect of law.
- 2361.10 Protection of the environment.
- 2361.20 Use authorizations.
- 2361.30 Unauthorized use and occupancy.

Subpart 2362 [Reserved]

Authority: 42 U.S.C. 6501 *et seq.* and 43 U.S.C. 1701 *et seq.*

Subpart 2361—Management and Protection of the National Petroleum Reserve in Alaska**§ 2361.1 Purpose.**

The purpose of the regulations in this subpart is to provide procedures for the protection and control of

environmental, fish and wildlife, and historical or scenic values in the National Petroleum Reserve in Alaska pursuant to the provisions of the Naval Petroleum Reserves Production Act of 1976 as amended (90 Stat. 303; 42 U.S.C. 6501 *et seq.*), Alaska National Interest Lands Conservation Act (94 Stat. 2371, 16 U.S.C. 3101 *et seq.*), and other applicable authorities.

§ 2361.2 Objectives.

The objective of this subpart is to provide for the protection of the environmental, fish and wildlife, and historical or scenic values of the Reserve so that activities which are or might be detrimental to such values will be carefully controlled to the extent consistent with the requirements of the Act for the exploration and production of oil and gas resources in the Reserve.

§ 2361.3 Authority.

The Naval Petroleum Reserve Production Act of 1976 (90 Stat. 303; 42 U.S.C. 6501, *et seq.*), as amended by the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96–514), is the primary statutory authority for this subpart. Other applicable authorities include the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 *et seq.*) and the Federal Land Policy and Management Act (43 U.S.C. 1701 *et seq.*), exclusive of sections 202 and 603, which do not apply pursuant to 42 U.S.C. 6506a(c).

§ 2361.4 Responsibility.

Consistent with the statutory requirements to conduct an expeditious program of oil and gas leasing, the Bureau of Land Management (BLM) is responsible for the management of the Reserve, the protection of surface values from environmental degradation, and to prepare rules and regulations necessary to carry out management and protection duties.

§ 2361.5 Definitions.

As used in this subpart, the following terms have the following meanings:

(a) *Act* means the Naval Petroleum Reserves Production Act of 1976, as amended (90 Stat. 303; 42 U.S.C. 6501, *et seq.*).

(b) *Authorized officer* means any employee of the BLM who has been delegated the authority to perform the duties of this subpart.

(c) *Exploration* means activities conducted on the Reserve for the purpose of evaluating petroleum resources which include crude oil, gases of all kinds (natural gas, hydrogen, carbon dioxide, helium, and any others),

natural gasoline, and related hydrocarbons (tar sands, asphalt, propane butane, etc.), oil shale and the products of such resources.

(d) *Reserve* means those lands within the National Petroleum Reserve in Alaska (prior to June 1, 1977, designated Naval Petroleum Reserve No. 4) which was established by Executive order of the President, dated February 27, 1923, except for tract Numbered 1 as described in Public Land Order 2344 (the Naval Arctic Research Laboratory—surface estate only) dated April 24, 1961.

(e) *Secretary* means the Secretary of the Interior.

(f) *Special areas* means areas within the Reserve identified by the Secretary of the Interior as having significant subsistence, recreational, fish and wildlife, or historical or scenic value and, therefore, warranting maximum protection of such values to the extent consistent with the requirements of the Act for the exploration of the Reserve.

(g) *Use authorization* means a written approval of a request for use of land or resources.

§ 2361.6 [Reserved]

§ 2361.7 Effect of law.

(a) Subject to valid existing rights, all lands within the exterior boundaries of the Reserve are reserved and withdrawn from all forms of entry and disposition under the public land laws, including the mining and mineral leasing laws, and all other Acts.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Secretary is authorized to:

(1) Make dispositions of mineral materials pursuant to the Act of July 31, 1947 (61 Stat. 681), as amended (30 U.S.C. 601), for appropriate use by Alaska Natives.

(2) Make such dispositions of mineral materials and grant such rights-of-way, licenses, and permits as may be necessary to carry out his responsibilities under the Act.

(3) Convey the surface of lands properly selected on or before December 18, 1975, by Native village corporations pursuant to the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*).

(c) All other provisions of law heretofore enacted and actions heretofore taken reserving such lands as a Reserve will remain in full force and effect to the extent not inconsistent with the Act.

(d) To the extent not inconsistent with the Act, all other public land laws are applicable.

§ 2361.10 Protection of the environment.

(a) The authorized officer will take such action, including monitoring, as he deems necessary to mitigate or avoid unnecessary surface damage and to minimize ecological disturbance throughout the Reserve to the extent consistent with the requirements of the Act for the exploration of the Reserve.

(b) Maximum protection measures will be taken on all actions within the Utukok River Uplands, Colville River, and Teshekpuk Lake special areas, and any other special areas identified by the Secretary as having significant subsistence, recreational, fish and wildlife, or historical or scenic value. The boundaries of these areas and any other special areas identified by the Secretary will be identified on maps and be available for public inspection in the Alaska State Office. In addition, the legal description of the three special areas designated in this paragraph (b) and any new areas identified hereafter will be published in the **Federal Register** and appropriate local newspapers. Maximum protection may include, but is not limited to, requirements for:

(1) Rescheduling activities and use of alternative routes;

(2) Types of vehicles and loadings;

(3) Limiting types of aircraft in combination with minimum flight altitudes and distances from identified places; and

(4) Special fuel handling procedures.

(c) Recommendations for additional special areas may be submitted at any time to the authorized officer. Each recommendation will contain a description of the values which make the area special, the size and location of the area on appropriate U.S. Geological Survey (USGS) quadrangle maps, and any other pertinent information. The authorized officer will seek comments on the recommendation(s) from interested public agencies, groups, and persons. These comments will be submitted along with his recommendation to the Secretary. Pursuant to section 104(b) of the Act, the Secretary may designate that area(s) which he determines to have special values requiring maximum protection. Any such designated area will be identified in accordance with the provision of paragraph (b) of this section.

(d)(1) To the extent consistent with the requirements of the Act and after consultation with appropriate Federal, State, and local agencies, Indian Tribes, and Alaska Native Claims Settlement Act of 1971 (ANCSA) Corporations, the authorized officer may limit, restrict, or prohibit the use of and access to lands

within the Reserve, including special areas. On proper notice as determined by the authorized officer, such actions may be taken to protect fish and wildlife breeding, nesting, spawning, lambing of calving activity, major migrations of fish and wildlife, and other environmental, scenic, or historic values.

(2) The consultation requirement in paragraph (d)(1) of this section is not required when the authorized officer determines that emergency measures are required.

(e) No site, structure, object, or other values of historical archaeological, cultural, or paleontological character, including but not limited to historic and prehistoric remains, fossils, and artifacts, will be injured, altered, destroyed, or collected without authorization under the appropriate Federal permit and without compliance with applicable Federal law, including but not limited to, the Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa–470mm, Paleontological Resources Preservation Act of 2009, 16 U.S.C. 470aaa–470aaa–11, Native

American Graves Protection and Repatriation Act of 1990, 25 U.S.C. 3001–3013, National Historic Preservation Act of 1966, 54 U.S.C. 300101–307108.

§ 2361.20 Use authorizations.

(a) Except for petroleum exploration which has been authorized by the Act, use authorizations must be obtained from the authorized officer prior to any use within the Reserve. Only those uses which are consistent with the purposes and objectives of the Act will be authorized.

(b) Except as may be limited, restricted, or prohibited by the authorized officer pursuant to § 2361.10 or otherwise, use authorizations are not required for:

(1) Subsistence uses (*e.g.*, hunting, fishing, and berry picking); and

(2) Recreational uses (*e.g.*, hunting, fishing, backpacking, and wildlife observation).

(c) Applications for use authorizations must be filed in accordance with applicable regulations in this subpart. In

the absence of such regulation, the authorized officer may make such dispositions of mineral materials and grant such rights-of-way, licenses, and permits as may be necessary to carry out his responsibilities under the Act.

(d) In addition to other statutory or regulatory requirements, approval of applications for use authorizations will be subject to such terms and conditions which the authorized officer determines to be necessary to protect the environmental, fish and wildlife, and historical or scenic values of the Reserve.

§ 2361.30 Unauthorized use and occupancy.

Any person who violates or fails to comply with regulations of this subpart is subject to prosecution, including trespass and liability for damages, pursuant to the appropriate laws.

Subpart 2362 [Reserved]

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Federal Register

Vol. 90, No. 219

Monday, November 17, 2025

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Presidential Documents

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FEDERAL REGISTER PAGES AND DATE, NOVEMBER

49009-49214	3
49215-49246	4
49247-50482	5
50483-50488	6
50489-50740	7
50741-50856	10
50857-50890	12
50891-51016	13
51017-51080	14
51081-51500	17

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

10987	49211
10988	51015
10989	51071
10990	51077
10991	51079

Executive Orders:

14357	50725
14358	50729

Administrative Orders:

Notices:	
Notice of November 5, 2025	50735
Notice of November 5, 2025	50737
Notice of November 5, 2025	50739

6 CFR

13	49009
139	49247

8 CFR

251	51081
258	51081
Proposed Rules:	
1	49062
103	49062
204	49062
207	49062
208	49062
209	49062
210	49062
212	49062
214	49062
215	49062
216	49062
235	49062
236	49062
240	49062
244	49062
245	49062
245a	49062
264	49062
287	49062
333	49062
335	49062

10 CFR

Proposed Rules:

821	51208

12 CFR

201	51017
204	51018
Proposed Rules:	
1002	50901, 50952

14 CFR

39	49215, 49248, 49251, 51019, 51091, 51094

71	51097
73	51098
97	50891, 50893
Proposed Rules:	
Ch. II	51230
39	51212, 51216, 51218, 51222, 51225, 51227

15 CFR

732	50857
734	50857
736	50857
744	50857, 50858
748	50857

19 CFR

4	51081
122	51100

21 CFR

1308	51102

22 CFR

126	50489

23 CFR

660	51105
970	51107
971	51109
973	51110

30 CFR

935	51112

Proposed Rules:

917	51232

31 CFR

Proposed Rules:

1010	51234

37 CFR

Proposed Rules:

42	50492

39 CFR

111	50741

Proposed Rules:

3050	49016

40 CFR

52	50742
147	51021
180	49254, 51115, 51118, 51123, 51127, 51164
257	51168
300	51181
370	51187
721	49218
751	50894, 51027

Proposed Rules:

52	51029, 51247, 51263
63	50814

82.....	50766	410.....	49266	43 CFR	50 CFR
84.....	51042	414.....	49266	2360.....	51470
370.....	51266	424.....	49266		218.....
705.....	50923	425.....	49266		622.....
721.....	49016, 49148, 49180	427.....	49266	47 CFR	648.....
42 CFR		428.....	49266	Proposed Rules:	660.....
405.....	49266	495.....	49266	73.....	51205
		512.....	49266		679.....
					49234, 49235, 49236,
					50483

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion

in today's **List of Public Laws**.
Last List November 14, 2025

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