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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0483; Project Identifier MCAI–2024–00523–T; Amendment 39–23182; AD 2025–22–04]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Bombardier, Inc., Model CL–600–2B16 (604 Variant) airplanes. This AD was prompted by reports that the flap system on-board recorder (FSOBR) interfaces with the flap control unit signals and may result in the flap control unit monitors tripping, causing Flap Fail messages and possibly an uncommanded flap movement. This AD requires the disconnection of the FSOBR and prohibits future installation of this system. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 23, 2025.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of December 23, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–0483; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–

30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

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

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–0483.

FOR FURTHER INFORMATION CONTACT:

Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Bombardier, Inc., Model CL–600–2B16 (604 Variant) airplanes. The NPRM was published in the **Federal Register** on April 7, 2025 (90 FR 14929). The NPRM was prompted by AD CF–2024–31R1, dated December 17, 2024 (Transport Canada AD CF–2024–31R1) (also referred to as the MCAI), issued by Transport Canada, which is the aviation authority for Canada. The MCAI states that the FSOBR interfaces with the flap control unit Input/Output (I/O) signals and may result in the flap control unit monitors tripping, causing Flap Fail messages and possibly an uncommanded flap movement. This event combined with other flap system failures can lead to an uncommanded flap runaway. This condition, if not addressed, could lead to loss of control of the airplane.

In the NPRM, the FAA proposed to require the disconnection of the FSOBR and prohibit future installation of this system. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–0483.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from The Boeing Company (Boeing) and an anonymous commenter. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request for Clarification on FSOBR Unit

Boeing requested clarification on the state of the FSOBR unit. Boeing stated that paragraph (h) of the proposed AD conflicts with Bombardier Service Bulletin 650–27–005, dated May 20, 2024, because the service bulletin does not require the removal of FSOBR unit, part number (P/N) 604–70201–1.

The FAA notes that this AD does not require removal of an affected FSOBR from the airplane. Instead, paragraph (g) of this AD requires disconnection of the FSOBR, which is consistent with the service bulletin instructions and other service bulletins referenced in table 1 to paragraph (g) of this AD. In addition, paragraph (h) of this AD prohibits installation of an affected FSOBR or FSOBR harness on or after the effective date of this AD, and reconnection of an FSOBR if one was installed on the airplane before the effective date of this AD. No change to the AD is necessary in this regard.

Request for Oversight of AD Compliance

The anonymous commenter requested that the FAA require all affected aircraft operators to submit documentation of completed FSOBR disconnect, and mandate an independent verification process to ensure compliance, with public reporting of results for transparency.

The FAA does not agree with the request. In certain cases, the FAA might determine that additional information (i.e., data collection) is needed to understand the problem and develop appropriate mitigation for an unsafe condition. In this case, the unsafe condition was identified, and a corrective action was developed, without the need to require operator reports. However, an operator may still choose to send relevant information to the FAA. The FAA has not changed this AD in this regard.

Request To Track and Report Flap Control Incidents

The anonymous commenter requested that the FAA collect and publicly release data on any post-AD incidents involving flap control systems on Bombardier, Inc., Model CL-600-2B16 (604 Variant) airplanes for at least five years, to track effectiveness and spot emerging risks.

Under the bilateral agreement between Canada and the U.S., Transport Canada and the FAA have established implementation procedures specifying that the certificating authority is required to collect and analyze any data, and notify the other foreign authority of all known unsafe conditions and any necessary corrective actions. In this case, Transport Canada is the certificating authority for Bombardier aircraft. The FAA notes that U.S. operators may also submit any incidents to the service difficulty reporting (SDR) system at sdrs.faa.gov, which is accessible to the public. No change to the AD is necessary in this regard.

Request To Require Root Cause Analysis and Collaboration

The anonymous commenter requested that the FAA require manufacturers to conduct and publish root-cause analysis of FSOBR failures and collaborate with labor and consumer safety groups in designing future onboard systems to avoid similar risks.

The FAA does not agree. As discussed in the previous comment, Transport Canada will continue to collect and analyze reports regarding the FSOBR system. The FAA has not revised the AD in this regard.

Request To Offset Economic Burden on Small Operators

The anonymous commenter requested the FAA ensure that warranty coverage, reimbursement, or federal funding is accessible to offset compliance costs and prevent a disproportionate economic burden on smaller businesses or regional carriers.

The FAA recognizes that this AD imposes certain operational costs on operators, and that operators have an obligation to maintain their airplanes in airworthy condition. However, the FAA does not mandate warranty coverage, reimbursement, or federal funding, and has not changed this AD in this regard.

Request To Provide Compliance Time Flexibility for Small Operators

The anonymous commenter requested that the FAA provide targeted support or flexibility for compliance timelines to operators serving rural, low-income, or remote communities, ensuring

continued access to Essential Air Services.

The FAA does not agree. The compliance time for this AD was developed based on the recommendations of Transport Canada and the manufacturer, the urgency associated with the subject unsafe condition, and the practical aspect of accomplishing the required actions. The FAA has determined that the compliance time required by this AD will ensure an appropriate level of safety. The FAA has not changed this AD in this regard.

Request for Certified Personnel To Perform Work, With Whistleblower Protection

The anonymous commenter requested that the FAA require only FAA-certified technicians to perform the FSOBR maintenance and disconnect procedures, with explicit whistleblower protections for reporting safety lapses or procedural shortcuts.

The FAA notes that FAA regulations require maintenance, preventative maintenance, and alterations be performed by certified personnel (14 CFR 43.3 and 43.17). Further, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 42121) prohibits discrimination against employees of the U.S. air carrier industry and U.S. manufacturers who report information related to air carrier safety. More information about the FAA AIR-21 Whistleblower Protection Program is available at <https://www.faa.gov/about/initiatives/whistleblower>. No change to the AD is necessary in this regard.

Request To Include Stakeholder Input

The anonymous commenter requested that the FAA solicit feedback from frontline aviation workers and labor unions on the effectiveness and challenges of the FSOBR removal process, especially regarding time and resource requirements.

The FAA notes that this AD requires a disconnect of the FSOBR harness, not removal of the FSOBR. The FAA also notes that it invites industry stakeholders to participate in the rulemaking process by providing notice of the proposed rule in the **Federal Register**. Before issuing the final rule, the FAA considers all comments received and determines whether air safety requires incorporating any requested changes or adopting the AD as proposed. No change to the AD is necessary in this regard.

Request To Coordinate With International Regulators

The anonymous commenter requested that the FAA ensure continued close coordination with Transport Canada and other international regulators to harmonize safety standards and avoid creating regulatory loopholes that could undermine safety or equity.

The FAA notes that the FAA has bilateral agreements with international civil aviation authorities, including Transport Canada, to ensure aviation regulations are harmonized as much as practicable. No change to the AD is necessary in this regard.

Request To Address Safe Handling and Disposal of Hazardous Materials

The anonymous commenter requested that the FAA ensure that all FSOBR removal and disposal processes comply with Occupational Safety and Health Administration (OSHA) guidelines for hazardous material handling and require environmentally safe disposal of all electronic components.

The FAA acknowledges the commenter's concern. However, the FAA notes that this AD requires disconnecting the FSOBR harness, not removal and disposal of the FSOBR or other electrical components. No change to the AD is necessary in this regard.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Bombardier Service Bulletins 650-27-005, 605-27-012, and 604-27-041, all dated May 20, 2024. This material specifies procedures to disconnect the FSOBR. These documents are distinct since they apply to different airplane serial numbers. 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 442 airplanes of U.S. registry.

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

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 3 work-hours × \$85 per hour = \$255.	Minimal	Up to \$255	Up to \$112,710.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

responsibilities among the various levels of government.

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–22–04 Bombardier, Inc.: Amendment 39–23182; Docket No. FAA–2025–0483; Project Identifier MCAI–2024–00523–T.

(a) Effective Date

This airworthiness directive (AD) is effective December 23, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Bombardier, Inc., Model CL–600–2B16 (604 Variant) airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

This AD was prompted by reports that the flap system on-board recorder (FSOBR) interfaces with the flap control unit signals and may result in the flap control unit monitors tripping, causing Flap Fail messages and possibly an uncommanded flap movement. The FAA is issuing this AD to address uncommanded flap runaway. The unsafe condition, if not addressed, could lead to loss of control of the airplane.

(f) Compliance

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

(g) FSOBR Disconnection

For airplanes that have incorporated Bombardier Service Bulletin 604–27–035, Bombardier Service Bulletin 605–27–006, or Bombardier Service Bulletin 650–27–001 as of the effective date of this AD: Within 1,000 flight hours or 14 months, whichever occurs first, after the effective date of this AD, disconnect the FSOBR in accordance with Section 2.B of the Accomplishment Instructions of the applicable service bulletin listed in table 1 to paragraph (g) of this AD.

Table 1 to paragraph (g) – Service Bulletin References

Airplane Model (Marketing Designation)	Airplane Serial Number	Applicable Bombardier Service Bulletin
CL-600-2B16 (Challenger 604)	5301 through 5665 inclusive	604-27-041, dated May 20, 2024
CL-600-2B16 (Challenger 605)	5701 through 5988 inclusive	605-27-012, dated May 20, 2024
CL-600-2B16 (Challenger 650)	6050 through 6999 inclusive	650-27-005, dated May 20, 2024

(h) Parts Installation Prohibition

As of the effective date of this AD, no person may reconnect or install any FSOBR unit part number (P/N) (604–70201–1) or FSOBR harness P/N (604–57140–3) on any airplane.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(j) Additional Information

For more information about this AD, contact Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: 9-avs-nyaco-cos@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 604–27–041, dated May 20, 2024.

(ii) Bombardier Service Bulletin 605–27–012, dated May 20, 2024.

(iii) Bombardier Service Bulletin 650–27–005, dated May 20, 2024.

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

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

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations 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. 2025–20064 Filed 11–17–25; 8:45 am]

BILLING CODE 4910–13–P

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

[Docket No. FAA–2025–1106; Project Identifier MCAI–2023–01052–R; Amendment 39–23159; AD 2025–20–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all

Airbus Helicopters Deutschland GmbH Model MBB–BK 117 D–2 and MBB–BK 117 D–3 helicopters. This AD was prompted by reports of airspeed and altitude indication errors. This AD requires revising the existing rotorcraft flight manual supplement (RFMS) for the helicopter, replacing the air conditioning system (ACS) condenser outlet grids with ACS condenser outlet covers, and prohibiting the installation of ACS condenser outlet grids. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 23, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 23, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2025–1106; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

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

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX

76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-1106.

FOR FURTHER INFORMATION CONTACT:

Aryanna Sanchez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222-4058; email: aryanna.t.sanchez@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Helicopters Deutschland GmbH Model MBB-BK 117 D-2 and MBB-BK 117 D-3 helicopters. The NPRM was published in the *Federal Register* on June 18, 2025 (90 FR 25911). The NPRM was prompted by AD 2023-0175, dated October 5, 2023, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2023-0175) (also referred to as the MCAI). The MCAI states that there have been reports of airspeed and altitude indication errors. Subsequent investigation revealed that the ACS condenser outlets are in close proximity to the static ports, and air from the outlets affects the static ports during flight. The static ports and pitot tubes measure different pressures, which are then used to calculate airspeed, altitude, and vertical speed. Incorrect readings can then occur. This condition, if not corrected, could lead to reduced situational awareness, possibly resulting in a significant increase in crew workload.

In the NPRM, the FAA proposed to require revising the existing RFMS for the helicopter, replacing the ACS condenser outlet grids with ACS condenser outlet covers, and prohibiting the installation of ACS condenser outlet grids.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-1106.

Discussion of Final Airworthiness Directive

Comments

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

Additional Changes Made to This AD

In the NPRM, the FAA proposed an exception that would not require a note from the referenced service material after replacing the left-hand or right-hand exhaust cowling assembly. However, the FAA has revised this AD

to remove that exception because the note is merely a recommendation and does not mandate any action. Therefore, after replacing the left-hand or right-hand exhaust cowling assembly, operators are still required to perform all actions as specified in the required material.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2023-0175, which specifies procedures for amending the applicable RFMS by incorporating new altitude corrections if the helicopter has ACS condenser outlet grids, and not covers, installed. EASA AD 2023-0175 also specifies procedures for replacing the ACS condenser outlet grid part number (P/N) D211M1821302 or P/N D211M1822302 with ACS condenser outlet cover P/N D211M1821402 or P/N D211M1822402 and prohibits installing ACS condenser outlet grids on any helicopter. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Differences Between This AD and the MCAI

The MCAI applies to Model MBB-BK117 D-2m and MBB-BK117 D-3m helicopters, whereas this AD does not because those models do not have an FAA type certificate.

The MCAI requires operators to "inform all flight crews" of the revisions to the RFMS, and thereafter to "operate the helicopter accordingly." However, this AD does not require those actions as those actions are already required by FAA regulations. FAA regulations require operators furnish to pilots any changes to the rotorcraft flight manual

(RFM) (for example, 14 CFR 135.21) and that pilots are familiar with the RFM (for example, 14 CFR 91.505). As with any other flight crew training requirement, training on the updated RFM content is tracked by the operators and recorded in each pilot's training record, which is available for the FAA to review. FAA regulations also require pilots to follow the procedures in the existing RFM including all updates. Section 91.9 requires that any person operating a civil aircraft must comply with the operating limitations specified in the RFM. Therefore, including a requirement in this AD to operate the helicopter according to the revised RFM would be redundant and unnecessary.

The MCAI does not have any flight restrictions, whereas this AD requires a revision to the RFMS restricting helicopters to operation under visual flight rules (VFR) until the helicopter is modified with ACS condenser outlet covers.

The MCAI specifies amending the applicable RFMS, whereas this AD specifically requires amending the Limitations Section of the applicable RFMS.

Interim Action

The FAA considers that this AD is an interim action. The manufacturer is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, the FAA might consider further rulemaking.

Costs of Compliance

The FAA estimates that this AD affects 71 helicopters of U.S. registry. Labor costs are estimated at \$85 per hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Replacing the ACS condenser outlet grids takes 20 work-hours and parts cost \$970, for an estimated cost of \$2,670 per helicopter and \$189,570 for the U.S. fleet. Revising the existing RFM for the helicopter takes 1 work-hour for an estimated cost of \$85 per helicopter and \$6,035 for the U.S. fleet.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–20–06 Airbus Helicopters

Deutschland GmbH: Amendment 39–23159; Docket No. FAA–2025–1106; Project Identifier MCAI–2023–01052–R.

(a) Effective Date

This airworthiness directive (AD) is effective December 23, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model MBB–BK 117 D–2 and MBB–BK 117 D–3 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2100, Air Conditioning System.

(e) Unsafe Condition

This AD was prompted by reports of airspeed and altitude indication errors. The FAA is issuing this AD to address airspeed and altitude indication errors. The unsafe condition, if not addressed, could lead to reduced situational awareness, possibly resulting in a significant increase in crew workload.

(f) Compliance

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

(g) Requirements

(1) Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2023–0175, dated October 5, 2023 (EASA AD 2023–0175).

(2) The owner/operator (pilot) holding at least a private pilot certificate may revise the existing Rotorcraft Flight Manual for the helicopter and must enter compliance with this requirement into the helicopter maintenance records in accordance with 14 CFR 43.9(a) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(h) Exceptions to EASA AD 2023–0175

(1) Where EASA AD 2023–0175 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2023–0175 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(3) Where paragraph (1) of EASA AD 2023–0175 states “by incorporating the air conditioning system (ACS) rotorcraft flight manual supplement (RFMS) altitude correction procedure, as defined in appendix 1 of this AD”, this AD requires replacing that text with “by incorporating the ACS RFMS altitude correction procedure, as defined in appendix 1 of this AD, into the Limitations section and by adding a visual flight rules (VFR) only restriction to the procedure”.

(4) Where paragraph (1) of EASA AD 2023–0175 specifies to inform all flight crews, and operate the helicopter accordingly, this AD does not require those actions as those actions are already required by existing FAA operating regulations (see 14 CFR 91.505 and 14 CFR 135.21).

(5) Where paragraph (2) of EASA AD 2023–0175 states “which includes the same content as the ACS RFMS altitude correction procedure”, this AD requires replacing that text with “which includes information identical to the information in the ACS RFMS altitude correction procedure, as defined in appendix 1 of this AD”.

(6) This AD does not adopt the “Remarks” section of EASA AD 2023–0175.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2023–0175 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact Aryanna Sanchez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone (817) 222–4058; email: aryanna.t.sanchez@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 the AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2023–0175, dated October 5, 2023.

(ii) [Reserved]

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

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

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

Issued on November 14, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–20135 Filed 11–17–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2025–0372 Airspace
Docket No. 24–AAL–126]

RIN 2120–AA66

**Amendment of Colored Federal Airway
Green 8, Jet Route J–115, United
States Area Navigation (RNAV) Route
T–227 and Establishment of RNAV
Route Q–188 in Alaska.**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Colored Federal Airway Green 8 (G–8), Jet Route J–115, and United States Area Navigation (RNAV) Route T–227 and establishes RNAV Route Q–188 in Alaska. The FAA is taking this action due to the pending decommissioning of the Shemya, AK, Nondirectional Radio Beacon (NDB).

DATES: Effective date 0901 UTC, January 22, 2026. 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 JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the notice of proposed rulemaking (NPRM), all comments received, 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.

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: Steven Roff, Rules and Regulations Group, Office of Policy, 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 modifies the Air Traffic Service (ATS) route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2025–0372 in the **Federal Register** (90 FR 11140; March 4, 2025), to amend Colored Federal Airway Green 8 (G–8), Jet Route J–115, and United States Area Navigation (RNAV) Route T–227 and establish RNAV Route Q–188 in Alaska. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment in support of this action was received.

Incorporation by Reference

Colored Federal Airways are published in paragraph 6009, Jet Routes are published in paragraph 2004, and United States Area Navigation Routes are published in paragraph 6011 and paragraph 2006 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Rule

This action amends 14 CFR part 71 by modifying Colored Federal Airway Green 8 (G–8), Jet Route J–115, and RNAV Route T–227, and establishing RNAV Route Q–188 in Alaska. The FAA is proposing this action due to the pending decommissioning of the Shemya, AK, NDB.

G–8: Prior to this final rule, G–8 extended between the Shemya, AK,

NDB and the Kachemak, AK, NDB. This action revokes the segment of G–8 that extends between the Shemya NDB and the Mount Moffet, AK, NDB. As amended, G–8 would extend between the Mount Moffet NDB and the Kachemak NDB.

J–115: Prior to this final rule, J–115 extended between the Shemya, AK, NDB and the Deadhorse, AK, VOR/DME. The action revokes the segment of J–115 that extends between the Shemya NDB and the Mount Moffet, AK, NDB. As amended, J–115 extends between the Mount Moffet, AK, NDB and the Deadhorse VOR/DME.

T–227: Prior to this final rule, T–227 extended between the Shemya, AK, VOR/Tactical Air Navigation (VORTAC) and the Deadhorse, AK, VOR/DME. This action amends RNAV Route T–227 by adding the DEJJE, AK, WP to the route. As amended, T–227 extends between the Shemya VORTAC and the Deadhorse VOR/DME.

Q–188: This action establishes RNAV Route Q–188. As established, Q–188 extends between the Shemya, AK, VORTAC and the Mount Moffet, AK, NDB.

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 amendment of Colored Federal Airway Green 8, Jet Route J–115, RNAV Route T–227 and establishment of RNAV Route Q–188 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(k), which categorically excludes from further environmental impact review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for 14 CFR part 71 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.

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11K, Airspace Designations and Reporting Points, dated August 4, 2025, and effective September 15, 2025, is amended as follows:

Paragraph 6009(a) Green Federal Airways.

G–8 [Amended]

From Mount Moffet, AK, NDB, 20 AGL; Dutch Harbor, AK, NDB, 20 AGL; INT Dutch Harbor, AK, NDB 041° and Elfee, AK, NDB 253° bearings, 20 AGL; Elfee, AK, NDB, 20 AGL; Chinook, AK, NDB; INT Chinook, AK, NDB 054° and Kachemak, AK, NDB 269° bearings; to Kachemak, AK, NDB.

* * * * *

Paragraph 2004 Jet Routes.

* * * * *

J–115 [Amended]

From Mount Moffett, AK, NDB; Dutch Harbor, AK, NDB; Cold Bay, AK; King Salmon, AK; INT King Salmon 053° and Kenai, AK, 239° radials; Kenai, AK; Anchorage, AK; Big Lake, AK; Fairbanks, AK; Chandalar, AK, NDB; to Deadhorse, AK.

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–227 Shemya, AK (SYA) to Deadhorse, AK (SCC) [Amended]

Shemya, AK (SYA)	VORTAC	(Lat. 52°43′05.78″ N, long. 174°03′43.50″ E)
JANNT, AK	WP	(Lat. 52°04′17.88″ N, long. 178°15′37.23″ W)
DEJJE, AK	WP	(Lat. 51°56′50.41″ N, long. 177°15′11.72″ W)
BAERE, AK	WP	(Lat. 52°12′11.96″ N, long. 176°08′08.53″ W)
ALEUT, AK	WP	(Lat. 54°14′16.58″ N, long. 166°32′51.82″ W)
MORDI, AK	FIX	(Lat. 54°52′49.87″ N, long. 165°03′15.24″ W)
GENFU, AK	FIX	(Lat. 55°23′18.64″ N, long. 163°06′20.78″ W)
BINAL, AK	FIX	(Lat. 55°45′59.99″ N, long. 161°59′56.43″ W)
WIXER, AK	WP	(Lat. 56°54′29.00″ N, long. 158°36′10.00″ W)
CULTI, AK	WP	(Lat. 58°15′11.91″ N, long. 156°31′19.57″ W)
FEDGI, AK	WP	(Lat. 59°30′10.87″ N, long. 154°14′14.80″ W)
WEZZL, AK	WP	(Lat. 59°53′13.86″ N, long. 152°24′12.63″ W)
AMOTT, AK	FIX	(Lat. 60°52′26.59″ N, long. 151°22′23.60″ W)
Big Lake, AK (BGQ)	VORTAC	(Lat. 61°34′09.96″ N, long. 149°58′01.77″ W)
GLOWS, AK	FIX	(Lat. 64°26′15.88″ N, long. 148°15′17.88″ W)
PERZO, AK	WP	(Lat. 64°40′22.99″ N, long. 148°07′20.15″ W)
Fairbanks, AK (FAI)	VORTAC	(Lat. 64°48′00.25″ N, long. 148°00′43.11″ W)
Deadhorse, AK (SCC)	VOR/DME	(Lat. 70°11′57.11″ N, long. 148°24′58.17″ W)

* * * * *

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q–188 Shemya, AK (SYA) to Mount Moffett, AK (ADK) [New]

Shemya, AK (SYA)	VORTAC	(Lat. 52°43′05.78″ N, long. 174°03′43.50″ E)
Mount Moffett, AK (ADK)	NDB	(Lat. 51°52′18.76″ N, long. 176°40′33.56″ W)

* * * * *

Issued in Washington, DC, on November 14, 2025.

Alex W. Nelson,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2025–20134 Filed 11–17–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2025–0805]

Drawbridge Operation Regulation; Newark Bay, Between the City of Newark and City of Bayonne, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notification of temporary deviation from regulations; request for comments.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Lehigh Valley Drawbridge. This deviation will test a change to the drawbridge operation schedule to determine whether a permanent change to the schedule is needed. We invite your comments on this action.

DATES: This deviation is effective from 8 a.m. on January 16, 2026, through 7:59 a.m. on July 14, 2026.

Comments and relate material must reach the Coast Guard on or before April 16, 2026.

ADDRESSES: You may submit comments identified by docket number USCG–2025–0805 at <https://www.regulations.gov>.

See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this test deviation, call or email Mr. Gregory P. Hitchen, Northeast Coast Guard District (dpb), the Coast Guard; telephone 571–607–8154, email Gregory.P.Hitchen@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Background, Purpose and Legal Basis

The Lehigh Valley Drawbridge across Newark Bay, between the City of Newark and City of Bayonne, NJ, mile 4.6, owned and operated by Conrail, has a vertical clearance of 35 feet above mean high water when closed and 135 feet above mean high water when open.

The operating schedule of the Lehigh Valley Drawbridge is published in 33 CFR 117.735 and will not change with the implementation of the temporary deviation allowing remote operation of the bridge.

Conrail has requested this test deviation to improve the efficiency of bridge openings. Currently the on-site bridge operator must consult with the Conrail train dispatcher in Mount Laurel, NJ, to obtain authorization to open the Lehigh Valley Drawbridge. Remote operations will facilitate direct communication between the mariner and the Conrail train dispatcher, who has much better situational awareness of the multimodal transportation picture.

This deviation will also allow the Arthur Kill Railroad Bridge and Hack Freight Railroad Bridge to be remotely operated from the Conrail North Jersey Dispatch Center in Mount Laurel, NJ, instead of being operated by the bridge tender at the Lehigh Valley Drawbridge. The operating schedules for the Arthur Kill Railroad Bridge and Hack Freight Railroad Bridge are published in 33 CFR 117.702 and 33 CFR 117.723, respectively. These regulations already authorize both bridges to be remotely operated, and their schedules will not change as a result of the implementation of remote operation of the Lehigh Valley Drawbridge.

There are 28 daily train transits that cross the Lehigh Valley Drawbridge and a daily average of four bridge openings for vessel transits. The bridge is normally maintained in the closed position due to the average daily number of trains crossing the bridge. Newark Bay is a major commercial waterway containing multiple waterfront facilities. However, most of these facilities are well south (downstream) of the Lehigh Valley Lift Bridge.

Conrail has requested to operate this bridge remotely from their railroad terminal from their Conrail North Jersey Dispatch Center, in Mount Laurel, NJ. Conrail has incorporated sensors and other technologies into the bridge to allow for the safe and efficient remote operation of the bridge. The remote operations system includes eight camera views (four marine and four rail), marine radar, sonar, automated integration system (AIS) sensors, integration software, a dedicated phone line for bridge operations, radiotelephone on VHF–FM channels 13 and 16, and an AIS transmitter to provide bridge status (LEHIGH VALLEY BRG—OPEN, LEHIGH VALLEY BRG—CLOSED, and LEHIGH VALLEY BRG—INOP). The AIS transmitter will transmit the bridge status every two minutes and upon a change in bridge status.

The remote operation system is designed to provide equal or greater capabilities compared to the on-site bridge tender in visibility of the waterway and bridge, and in signals (communications) via sound and visual signals and radio telephone (voice) via VHF–FM channels 13 and 16. The remote operation system also incorporates real-time bridge status via AIS signal to aid mariners in voyage planning and navigational decision making, a dedicated telephone line (856) 231–2301 for bridge operations, and push-to-talk (PTT) capability on VHF–FM channels 13 and 16. Vessels may push the PTT button five times while on VHF–FM channel 13 and the bridge operator will receive and respond to the request and commence opening of the bridge.

The remote operation system will be considered failed and qualified personnel will return and operate the Lehigh Valley Drawbridge, Arthur Kill Railroad Bridge, Hack Freight Railroad Bridge within 60 minutes, if any of the following conditions are found: (1) The remote operation system becomes incapable of safely and effectively operating the bridge from the remote operation center, (2) visibility of the waterway or bridge is degraded to less

than equal that of an on-site bridge tender (all eight camera views are required), (3) signals (communications) via sound or visual signals or radio telephone (voice) via VHF–FM channels 13 or 16 become inoperative, or (4) AIS becomes inoperative.

The test deviation will commence at 8 a.m. on January 16, 2026, and conclude at 7:59 a.m. on July 14, 2026. During the test deviation, a bridge tender will be stationed on-site at the bridge and will be able to immediately take local control of the bridge, as required.

Vessels that require an opening shall continue to request an opening via the methods (sound or visual signals or radio telephone (VHF–FM) voice communications) as defined in 33 CFR 117.15(b) through (d), via telephone at (856) 231–2301, or push-to-talk (PTT) on VHF–FM channel 13. During the test deviation, if the North Jersey Dispatch Center does not respond to a vessel's request, or is unable to operate the bridge, the bridge tender at the bridge will take immediate action to respond to the vessel's request for a bridge opening and commence opening of the bridge in accordance with 33 CFR 177.735.

Conrail has conducted significant coordination with the U.S. Coast Guard, Port of New York and New Jersey Harbor Safety, Navigation, and Operations Committee, and other maritime stakeholders regarding remote operation of the Lehigh Valley Drawbridge and its plan to perform this test deviation.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

This test deviation will run simultaneously with a Notice of Proposed Rulemaking, under the same name and docket number. Both documents can be found at <https://www.regulations.gov> and comments can be made to either document.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

II. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period.

Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2025–0805 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

View material in the docket. To view documents mentioned in this deviation as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted, or a final rule is published of any posting or updates to the docket.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

M.E. Platt,

Rear Admiral, U.S. Coast Guard, Commander, Northeast Guard District.

[FR Doc. 2025–20163 Filed 11–17–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2025–0909]

Safety Zone; Fireworks Displays Within the USCG East District (Formerly Fifth Coast Guard District); The Wharf, Washington, DC

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for a fireworks display at “The Wharf DC,” in Washington, DC, to provide for the safety of life on navigable waterways during this event. Our regulation for recurring safety zones for fireworks displays within the USCG East District identifies the precise location. During the enforcement period, vessels may not enter, remain in, or transit through the safety zone unless authorized to do so by the COTP or his representative, and vessels in the vicinity must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulation in 33 CFR 165.506 will be enforced for the location identified in line no. 1 of table 2 to 33 CFR 165.506(h)(2) from 7 p.m. until 9:30 p.m., on December 6, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LCDR Kate M. Newkirk, Sector Maryland-NCR, Waterways Management Division, U.S. Coast Guard: telephone 410–576–2596, email MDNCRMarineEvents@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone regulation for a fireworks display at The Wharf DC from 7 p.m. to 9:30 p.m. on December 6, 2025. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for recurring safety zones for fireworks displays within the USCG East District, 33 CFR 165.506, specifies the location of the safety zone for the fireworks show, which encompasses portions of the Washington Channel in the Upper Potomac River, in line 1 of Table 2 to Paragraph (h)(2). As reflected in 33 CFR 165.23, vessels in the vicinity of the safety zone may not enter, remain in, or transit through the safety zone during the enforcement period unless authorized to do so by the COTP or his representative, and they must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

Dated: November 13, 2025.

Patrick C. Burkett,

Captain, U.S. Coast Guard, Captain of the Port, Sector Maryland-National Capital Region.

[FR Doc. 2025–20168 Filed 11–17–25; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2025–0249; FRL–12888–02–R1]

Air Plan Approval; Rhode Island; Amendments to Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Rhode Island. This revision is an amended regulation for the Enhanced Motor Vehicle Inspection and Maintenance (I/M) program in Rhode Island. Overall, the submittal removes obsolete references, adds definitions, and clarifies the Rhode Island I/M program requirements, which consist primarily of conducting Onboard Diagnostics (OBD) testing. The intended effect of this action is to approve of the State’s amended I/M program regulation into the Rhode Island SIP. This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on December 18, 2025.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2025–0249. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at <https://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

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

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

Table of Contents

- I. Background and Purpose
- II. Response to Comments
- III. Final Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Background and Purpose

On July 28, 2025 (90 FR 35491), EPA published a Notice of Proposed Rulemaking (NPRM) for the State of Rhode Island. The NPRM proposed approval of amendments to Rhode Island’s I/M Program. The formal SIP revision was submitted by Rhode Island on December 20, 2023. The rationale for EPA’s proposed action is explained in the NPRM and will not be restated here. Two public comments were received on the NPRM.

II. Response to Comments

EPA received two comments during the comment period, which are available in the docket of this rulemaking. One comment supports EPA’s proposed action. The other comment recognizes that Rhode Island’s SIP revision focuses on “improving test procedures and administrative alignment,” but urges EPA to consider encouraging states to incorporate carbon dioxide (CO₂) monitoring into their I/M programs, making Rhode Island’s aggregated I/M data publicly available for the purpose of supporting state and regional planning for greenhouse gas (GHG) reductions, aligning I/M programs with GHG reduction targets, and “integrating CO₂ into I/M program design and evaluation.”

First, to the extent the comment urges broad changes to motor vehicle I/M program requirements, it is outside the scope of EPA’s proposed action here, which evaluated revisions to Rhode Island’s program only. Second, the comment does not provide any statutory or regulatory support for its positions, and it does not assert that the CAA requires EPA to disapprove an I/M program SIP revision that does not include the suggested program components or considerations.

EPA reviews a state’s submittal for compliance with CAA requirements, and EPA is required to approve a SIP

revision that complies with those requirements. CAA § 110(k)(3); 40 CFR 52.02(a). This EPA action concerns Rhode Island’s I/M program SIP revision submitted in accordance with CAA § 182 and EPA’s I/M regulations at 40 CFR part 51, subpart S. Under the CAA, Rhode Island is required to implement an enhanced I/M program that addresses hydrocarbon (or VOC) emissions and NO_x emissions. CAA § 182(c)(3). There is no legal requirement for Rhode Island to address CO₂ emissions in its I/M SIP revision. As EPA explained in the NPRM, the revisions to Rhode Island’s I/M regulation are consistent with the CAA’s I/M requirements and EPA’s I/M regulations, are administrative in nature, and will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA. The comment does not disagree with these assertions. Accordingly, EPA is finalizing the action as proposed.

III. Final Action

EPA is approving Rhode Island’s December 20, 2023, SIP submittal containing the revised motor vehicle I/M program as a revision to the Rhode Island SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of Rhode Island’s Air Pollution Control Regulation (APCR) No. 34—Rhode Island Motor Vehicle Inspection and Maintenance Program described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available through <https://www.regulations.gov> and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.¹

¹ 62 FR 27968 (May 22, 1997).

V. Statutory and Executive Order Reviews

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

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 2026. Filing a petition for reconsideration by the Administrator of this final rule does

not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

Dated: October 8, 2025.

Mark Sanborn,

Regional Administrator, EPA Region 1.

For the reasons stated in the preamble, the Environmental Protection

Agency amends part 52 of chapter I, title 40 of the Code of Federal Regulations to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart OO—Rhode Island

■ 2. In § 52.2070(c), amend the table by revising the entry “Air Pollution Control Regulation 34” to read as follows:

§ 52.2070 Identification of plan.

* * * * *
(c) * * *

EPA-APPROVED RHODE ISLAND REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
Air Pollution Control Regulation 34.	Rhode Island Motor Vehicle Inspection/Maintenance Program.	12/25/2018	11/18/2025 90 FR 11/18/25	Department of Environmental Management regulation containing I/M standards. Approving all sections.

* * * * *
[FR Doc. 2025–20143 Filed 11–17–25; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2019–0418; FRL–12875–02–R8]

Air Plan Approval; Montana: Infrastructure Requirements for the 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving elements of a state implementation plan (SIP) submission from Montana regarding the infrastructure requirements of the Clean Air Act (CAA) for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). The infrastructure

requirements are designed to ensure that the structural components of each state’s air quality management program are adequate to meet the state’s responsibilities under the CAA. Additionally, EPA is finalizing approval of Montana’s request to update their SIP to incorporate the most recent version of EPA’s “Guidelines on Air Quality Models.” EPA is taking this action pursuant to the CAA.

DATES: This rule is effective on December 18, 2025.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2019–0418. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form.

Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.
FOR FURTHER INFORMATION CONTACT: Amrita Singh, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado 80202–1129, telephone number: (303) 312–6103, email address: singh.amrita@epa.gov.
SUPPLEMENTARY INFORMATION: Throughout this document “we,” “us,” and “our” means EPA.

I. Background

Under sections 110(a)(1) and (2) of the CAA, each state is required to submit a SIP that provides for the implementation, maintenance, and enforcement of a revised primary or secondary NAAQS or standard. CAA sections 110(a)(1) and (2) requires each state to make a new SIP submission within three years after EPA promulgates a new or revised NAAQS

for approval into the existing federally approved SIP to assure that the SIP meets the applicable requirements for new and revised NAAQS.

On July 16, 2025 EPA proposed to approve all elements of a SIP submission from the Montana Department of Environmental Quality (MDEQ) submitted on October 1, 2018 except for those previously approved in 87 FR 21578. We proposed approval for the following CAA section 110(a)(2) infrastructure elements for the 2015 ozone NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M). Concurrently, EPA also proposed to approve revisions to appendix W submitted on December 28, 2022. An explanation of the CAA requirements, detailed analysis of the revisions, and EPA's reasons for proposing approval were provided in the proposed rulemaking (90 FR 31911).

II. Response to Comments

During the public comment period of EPA's July 16, 2025, proposed rulemaking, EPA received one anonymous comment in support of our action and one anonymous adverse comment. A summary of the comments and EPA's response are provided below.

Comment: The commentor urged EPA to consider the role of CO₂ emissions and climate change in ozone formation

when reviewing the Montana infrastructure SIP for the 2015 ozone NAAQS. The commentor stated that climate-change driven factors such as increased temperatures, biogenic emissions, and wildfire activity is projected to influence both the frequency and severity of ozone exceedances and suggested that infrastructure SIPs should acknowledge the long-term planning risks associated with climate-driven ozone trends.

Response: EPA appreciates the commentor's concern regarding the influence of CO₂ emissions and climate change on ozone formation and air quality. However, the scope of this action is limited to determining whether Montana's SIP meets the infrastructure requirements of CAA section 110(a)(1) and (2) for the 2015 ozone NAAQS. These requirements address the basic structural elements of a state's air quality management program. EPA's review of Montana's SIP submission is limited to the applicable statutory and regulatory requirements for infrastructure SIPs related to the 2015 ozone NAAQS, which the submission satisfies. Therefore, the considerations raised by the commentor are outside the scope of this rulemaking.

Comment: The commentor supported EPA's proposal to approve Montana's

infrastructure SIP submission for the 2015 ozone NAAQS, noting that Montana has met the CAA's structural requirements. The commentor encouraged EPA and the Montana Department of Environmental Quality to ensure strong public education, transparency, and community outreach efforts.

Response: EPA appreciates the commentor's support for this action. The scope of this action is limited to evaluating whether Montana's SIP submission meets the infrastructure requirements of the CAA section 110(a)(1) and (2) for the 2015 Ozone NAAQS. EPA has determined that Montana's SIP submission satisfies the applicable statutory and regulatory requirements for this action.

III. Final Action

EPA is approving the infrastructure SIP elements listed in table 1 below. These elements were included in a SIP submission from Montana certifying that its current SIP is sufficient to meet the required elements under section 110(a)(1) and (2) for the 2015 ozone NAAQS. Additionally, EPA is approving the revisions to appendix W submitted by the State of Montana on December 28, 2022.

TABLE 1—2015 OZONE NAAQS INFRASTRUCTURE SIP ELEMENTS

Elements	Approval status
(A): Emission Limitations and Other Control Measures	Approve.
(B): Ambient Air Quality Monitoring/Data System	Approve.
(C): Program for Enforcement of Control Measures; minor NSR; PSD	Approve.
(D)(i)(I): Prong 1 Interstate Transport—significant contribution	Previously approved in 87 FR 21578.
(D)(i)(I): Prong 2 Interstate Transport—interference with maintenance	Previously approved in 87 FR 21578.
(D)(i)(II): Prong 3 Interstate Transport—PSD	Approve.
(D)(i)(II): Prong 4 Interstate Transport—visibility	Previously approved in 87 FR 21578.
(D)(ii): Interstate and International Pollution Abatement	Approve.
(E): Adequate Personnel, Funding, and Authority; State Boards; Local Implementation	Approve.
(F): Stationary Source Monitoring	Approve.
(G): Emergency Authority; Emergency Episode Plans	Approve.
(H): Future SIP Revisions	Approve.
(J): Consultation with Government Officials, Public Notification, PSD and Visibility Protection	Approve.
(K): Air Quality Modeling/Data	Approve.
(L): Permitting Fees	Approve.
(M): Consultation/Participation by Affected Local Entities	Approve.

IV. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of appendix W revisions submitted by the State of Montana as discussed in the previously mentioned proposed rulemaking that can be found in the **Federal Register** at 90 FR 31911. EPA has made, and will continue to

make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

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

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

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

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

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

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

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead,

Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 29, 2025.

Cyrus M. Western,

Regional Administrator, Region 8.

For the reasons set forth in the preamble, the Environmental Protection Agency is amending 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart BB—Montana

■ 2. In § 52.1370:

■ a. The table in paragraph (c) is amended by revising the entry “17.8.802”.

■ b. The table in paragraph (e) is amended by adding the entry “Infrastructure Requirements for the 2015 8-hour Ozone National Ambient Air Quality Standards” under the heading entitled “(1) Statewide” at the end of the section.

The revision and addition read as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

State citation	Rule title	State effective date	EPA final rule date	Final rule citation	Comments
(VI) Administrative Rules of Montana, Subchapter 08, Prevention of Significant Deterioration of Air Quality					
17.8.802	Incorporation By Reference	5/13/2022	11/18/2025	90 FR [insert Federal Register page where the document begins]	Excluding (1)(c)–(d).
(e)					
Title/subject		State effective date		Notice of final rule date	NFR citation
(1) Statewide					
Infrastructure Requirements for the 2015 8-hour Ozone National Ambient Air Quality Standards.		N/A		11/18/2025	90 FR [insert Federal Register page where the document begins].

■ 3. In § 52.1394, add paragraph (c) to read as follows:

§ 52.1394 Section 110(a)(2) infrastructure requirements.

* * * * *

(c) On September 26, 2018, Steve Bullock, Governor, State of Montana, submitted a certification letter which provides the State of Montana's SIP provisions which meet the requirements of CAA section 110(a)(1) and (2) relevant to the 2015 8-hour Ozone NAAQS.

[FR Doc. 2025–20203 Filed 11–17–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2024–0468; FRL–12884–02–R8]

Air Plan Approval; Colorado; Inspection and Maintenance Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the Colorado State Implementation Plan (SIP). The revision includes changes to the motor vehicle inspection and maintenance (I/M) program of the State of Colorado. The EPA is taking this action pursuant to the Clean Air Act (CAA).

DATES: This rule is effective on December 18, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2024–0468. All documents in the docket are listed on the <http://www.regulations.gov> website. 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 through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Gregory Lohrke, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6396, lohrke.gregory@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” means the EPA.

I. Background

The background for this action is discussed in detail in our August 7, 2025, proposal (90 FR 38088). In that document we proposed to approve state-initiated revisions to the Colorado Air Quality Control Commission's Regulation Number 11, “Motor Vehicle Emissions Inspection Program” (hereafter, “Regulation No. 11”) as a revision to the Colorado SIP. Colorado submitted these changes to state regulation to the EPA as a SIP revision on May 16, 2022. The Colorado I/M program is maintained by the State and periodically revised for compliance with the applicable program requirements for SIPs under CAA sections 182(a)(2)(B), 182(b)(4), and 182(c)(3) and the EPA's regulations under 40 CFR part 51, subpart S for certain nonattainment areas for the 2008 and 2015 ozone national ambient air quality standards (NAAQS).

In the EPA's August 7, 2025, proposed rule to approve Colorado's SIP revision, we detailed the various changes to Regulation No. 11 and the resultant effects on the state's I/M program. Proposed approval of Colorado SIP revisions was limited to changes to Regulation No. 11, Part A, Part B, Part C, and Part D, and did not consider any revisions to state regulation which were submitted as “state-only” strengthening provisions that did not inhibit effectiveness of the I/M program. The EPA's proposed approval documented our evaluation of the substantive changes to the Colorado I/M program and found all revisions submitted for federal approval to have no negative impact on emission reduction benefits provided by the I/M program and to be consistent with applicable CAA requirements.¹ No comments were received on the proposed approval of the Colorado SIP revision, adverse or otherwise.

II. Final Action

The EPA is approving the changes to Colorado's Regulation 11. Specifically, we are finalizing approval of Colorado SIP revisions submitted to the EPA on May 16, 2022, amending Regulation No. 11, Part A, sections I, II, IV, and V, Part B, section XI, Part C, sections II, III, VIII, XI, and XII, and Part D, sections I, II, and III.

¹ See CAA section 110(l).

III. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Colorado Air Quality Control Commission regulations found in the Code of Colorado Regulations (CCR) at 5 CCR 1001–13 as described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.²

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely

² 62 FR 27968 (May 22, 1997).

affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

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

List of Subjects in 40 CFR Part 52

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

Dated: October 29, 2025.

Cyrus M. Western,
Regional Administrator, Region 8.

For the reasons stated in the preamble, the Environmental Protection Agency is amending 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart G—Colorado

- 2. In § 52.320, the table in paragraph (c) is amended by:
- a. Under the heading “5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part A, General Provisions, Area of Applicability, Schedules for Obtaining Certification of Emissions Control, Definitions, Exemptions, and Clean Screening/Remote Sensing”, revising the entries “I. Applicability”, “II. Definitions”, “IV. Clean Screen/Remote Emissions Sensing”, and “V. Expansion of the Enhanced Emissions Program to the North Front Range Area”;
- b. Under the heading “5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part B, Standards and Procedures for the Approval, Operation, Gas Span Adjustment, Calibration and Certification of the Division Approved Test Analyzer Systems for Use in the Basic and Enhanced Areas and Test Analyzer Systems for Licensed Dealers in the Enhanced Area”, adding entry “XI. Requests for Approval of Clean Screen Test Analyzer Systems” in numerical order;
- c. Under the heading “5 CCR 1001–13, Regulation Number 11, Motor Vehicle

Emissions Inspection Program—Part C, Inspection Procedures and Requirements for Exhaust Emissions, Fuel Evaporation Control, Visible Smoke Emissions, Emissions Control Systems, On-Board Diagnostics (OBD); and Practices to Ensure Proper Emissions Related Adjustments and Repairs”, revising the entries “II. Exhaust Emissions Inspection Procedures”, “III. Emissions Control Systems Inspection Procedures”, “VIII. Certification of Emissions Control”, “XI. Engine Changes”, and “XII. Clean Screen Inspection Program Procedures”; and

d. Under the heading “5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part D, Qualification and Licensing of Emissions Mechanics, Emissions Inspectors and Clean Screen Inspectors; Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Fleets, Motor Vehicle Dealer Test Facilities and Enhanced Inspection Centers; Qualification of Clean Screen Inspection Sites; and Registration of Emissions Related Repair Facilities and Technicians”, revising the entries “I. Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Enhanced Inspection Centers, Fleet Inspection Stations and Motor Vehicle Dealer Test Facilities”, “II. Qualification and Licensing of Emission Mechanics, and Emissions Inspectors”, and “III. Registration of Emissions Related Repair Facilities”.

The revisions and addition read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

Title	State effective date	EPA effective date	Final rule citation/date	Comments
5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part A, General Provisions, Area of Applicability, Schedules for Obtaining Certification of Emissions Control, Definitions, Exemptions, and Clean Screening/Remote Sensing				
I. Applicability	10/15/2021	12/18/2025	90 FR [insert Federal Register page where the document begins], 11/18/2025.	
II. Definitions	10/15/2021	12/18/2025	90 FR [insert Federal Register page where the document begins], 11/18/2025.	
IV. Clean Screen/Remote Emissions Sensing	10/15/2021	12/18/2025	90 FR [insert Federal Register page where the document begins], 11/18/2025.	

Title	State effective date	EPA effective date	Final rule citation/date	Comments
V. Expansion of the Enhanced Emissions Program to the North Front Range Area.	10/15/2021	12/18/2025	90 FR [insert Federal Register page where the document begins], 11/18/2025.	
5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part B, Standards and Procedures for the Approval, Operation, Gas Span Adjustment, Calibration and Certification of the Division Approved Test Analyzer Systems for Use in the Basic and Enhanced Areas and Test Analyzer Systems for Licensed Dealers in the Enhanced Area				
* * *				*
XI. Requests for Approval of Clean Screen Test Analyzer Systems.	10/15/2021	12/18/2025	90 FR [insert Federal Register page where the document begins], 11/18/2025.	
5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part C, Inspection Procedures and Requirements for Exhaust Emissions, Fuel Evaporation Control, Visible Smoke Emissions, Emissions Control Systems, On-Board Diagnostics (OBD); and Practices to Ensure Proper Emissions Related Adjustments and Repairs				
* * *				*
II. Exhaust Emissions Inspection Procedures	10/15/2021	12/18/2025	90 FR [insert Federal Register page where the document begins], 11/18/2025.	
III. Emissions Control Systems Inspection Procedures.	10/15/2021	12/18/2025	90 FR [insert Federal Register page where the document begins], 11/18/2025.	
* * *				*
VIII. Certification of Emissions Control	10/15/2021	12/18/2025	90 FR [insert Federal Register page where the document begins], 11/18/2025.	
* * *				*
XI. Engine Changes	10/15/2021	12/18/2025	90 FR [insert Federal Register page where the document begins], 11/18/2025.	
XII. Clean Screen Inspection Program Procedures ...	10/15/2021	12/18/2025	90 FR [insert Federal Register page where the document begins], 11/18/2025.	
5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part D, Qualification and Licensing of Emissions Mechanics, Emissions Inspectors and Clean Screen Inspectors; Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Fleets, Motor Vehicle Dealer Test Facilities and Enhanced Inspection Centers; Qualification of Clean Screen Inspection Sites; and Registration of Emissions Related Repair Facilities and Technicians				
* * *				*
I. Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Enhanced Inspection Centers, Fleet Inspection Stations and Motor Vehicle Dealer Test Facilities.	10/15/2021	12/18/2025	90 FR [insert Federal Register page where the document begins], 11/18/2025.	
II. Qualification and Licensing of Emission Mechanics, and Emissions Inspectors.	10/15/2021	12/18/2025	90 FR [insert Federal Register page where the document begins], 11/18/2025.	
III. Registration of Emissions Related Repair Facilities.	10/15/2021	12/18/2025	90 FR [insert Federal Register page where the document begins], 11/18/2025.	
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[FR Doc. 2025–20205 Filed 11–17–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[EPA–R05–OAR–2022–0295; FRL–10162–05–R5]****Air Plan Approval; Michigan; Revisions to Part 1 and 2 Rules****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Michigan State Implementation Plan (SIP) that Michigan's Department of Environment, Great Lakes, and Energy (EGLE) submitted on March 8, 2022. These revisions amend Michigan's SIP-approved rules for minor New Source Review (NSR) found in Michigan Air Pollution Control Rules Part 2, Air Use Approval. This action updates Michigan's minor NSR rules in the SIP to exempt certain processes and equipment from the requirement to obtain a preconstruction permit.

DATES: This final rule is effective on December 18, 2025.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2022–0295. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through <https://www.regulations.gov> or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone David Ogulei, Environmental Engineer, at (312) 353–0987 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: David Ogulei, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–0987, Ogulei.david@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document whenever

“we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. Background
- II. Summary of EPA Analysis
- III. EPA's Response to Comments
- IV. What action is EPA taking?
- V. Incorporation by Reference.
- VI. Statutory and Executive Order Reviews

I. Background

Section 110(a)(2)(C) of the Clean Air Act (CAA or Act) requires that the SIP include a program to provide for the regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to ensure that National Ambient Air Quality Standards (NAAQS) are achieved. This includes a program for permitting construction and modification of both major sources and minor sources that the State deems necessary to protect air quality. Specific elements for an approvable construction permitting plan are found in the implementing regulations at 40 CFR 51 subpart I—Review of New Sources and Modifications. Requirements relevant to minor construction programs are 40 CFR 51.160–51.164. Generally, State minor NSR programs must set forth legally enforceable procedures that allow the State to determine if a planned construction activity would result in a violation of the State's SIP or a national standard and prevent any activity that would do so. In accordance with 40 CFR 51.162, the State plan must identify the responsible agency for making permitting decisions. Under 40 CFR 51.160, the plan must identify the types and sizes of activities that are subject to the plan, including a discussion of the basis for determining which facilities will be subject to review, provide that sources undertaking an activity submit adequate information regarding the location, design, and emissions related information, and discuss the air quality data and dispersion or other air quality modeling used to determine whether the activity would comply with the CAA. Restrictions on allowable stack heights are found in 40 CFR 51.164. Under 40 CFR 51.161, the plan must meet specific criteria for public availability of information and opportunity for public comment. Finally, 40 CFR 51.163 requires that the plan identify the administrative procedures that will be followed in making permitting decisions.

Michigan's minor source preconstruction permitting rules are contained in Part 2 of the Michigan Administrative Code, which EPA last approved into the Michigan SIP on April 27, 2023 (88 FR 25498). *See* 40

CFR 52.1170. Michigan's SIP generally requires a permit to install (PTI) for any change resulting in an increase in the emissions of a regulated pollutant unless the change falls into one or more of the categories of exemptions contained in Michigan R 336.1280 through Michigan R 336.1290.

On September 27, 2022 (87 FR 58471), EPA proposed to approve (via a direct final rulemaking) revisions to the Michigan SIP that EGLE submitted on March 8, 2022. During the public comment period, EPA received adverse comments on the proposed approval of revisions to Michigan R 336.1285 “Permit to install exemptions; miscellaneous” and R 336.1291 “Permit to install exemptions; emission units with “de minimis” emissions.” These rules exempt certain processes and equipment from Michigan's minor NSR permitting program. On November 15, 2022 (87 FR 68364), EPA published an action withdrawing the direct final rule. On April 27, 2023 (88 FR 25498), EPA approved the revisions to Michigan's Air Pollution Control Rules Part 1, Definitions, and Part 2, Air Use Approval, for inclusion in the Michigan SIP but deferred action on the Michigan Part 2 rule revisions to R 336.1285 and R 336.1291.

On November 14, 2023, in response to comments we received on the 2022 direct final rule, Michigan supplemented its March 8, 2022, submittal with additional information regarding Michigan R 336.1285(2)(oo) and R 336.1291. On April 25, 2024 (89 FR 31677), EPA proposed approval of the Michigan Part 2 rule revisions to Michigan R 336.1285 “Permit to install exemptions; miscellaneous” and R 336.1291 “Permit to install exemptions; emission units with “de minimis” emissions.”

II. Summary of EPA Analysis

When determining approvability of State permitting exemption rules, EPA evaluates the possibility that an exemption might allow an activity that should be subject to major or minor source permitting requirements to escape appropriate review and permitting, that sources are required to maintain information adequate for the State to ensure that exemptions have been applied appropriately, and that the exemptions would not interfere with any applicable requirement concerning attainment of any NAAQS and reasonable further progress, or any other applicable requirement of the CAA.

Consistent with 40 CFR 51.160–51.164 and section 110 of the Act, EPA has previously approved into the Michigan SIP certain minor source air

permit exemptions found in Michigan R 336.1280 through R 336.1290 (Rules 280–290), as well as Michigan R 336.1278 and R 336.1278a (Rules 278 and 278a), which explain the scope of those exemptions. See 40 CFR 52.1170. These rules provide the requirements for certain sources and emission units that are seeking to avoid air permitting, subject to the recordkeeping requirements of those provisions. The existing air permit exemptions are specific to certain categories of equipment such as oil and gas processing, plastic processing, and surface coating, among others.

Michigan's air permit exemption rules have restrictions on the use of the exemptions in Michigan R 336.1280–336.1290 and require sources using the exemptions to maintain certain records to demonstrate that the exemptions have been applied appropriately. Specific exemptions may include additional monitoring and recordkeeping as necessary to ensure that the equipment is operating as required under the exemption. As further explained below, this action pertains to additional air permit exemptions found in Michigan R 336.1285(oo) and R 336.1291. Sources seeking to rely on the new exemptions in Michigan R 336.1285(oo) and R 336.1291 would generally be subject to the same recordkeeping requirements as those that currently apply to those relying on Michigan R 336.1280–336.1290.

Under Michigan R 336.1278, the exemptions in R 336.1280 to R 336.1291 do not apply to any “activity” that is subject to the prevention of significant deterioration of air quality (PSD) regulations or NSR regulations for major sources in nonattainment areas. An “activity” is defined to include all “concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment,” which will ensure that projects are aggregated properly before applying an exemption. The exemptions in Michigan R 336.1280 to R 336.1291 also do not apply to the construction, modification, or reconstruction of major sources of hazardous pollutants as defined in 40 CFR parts 61 and 63. Further, the exemptions apply to the requirement to obtain a PTI only and do not exempt any source from complying with any other applicable requirement or existing permit limitation.

In this final action, EPA finds that EGLE's proposed revisions to Michigan's SIP-approved Part 2 rules meet the requirements of section 110(a)(2)(C) of the Act and the minimum program requirements of 40

CFR 51.160–51.164. EPA is approving into the Michigan SIP the following revisions to Michigan's Part 2 rules:

A. Michigan R 336.1285(2)(oo) “Permit to install exemptions; miscellaneous”

Michigan R 336.1285(2)(oo) exempts vapor intrusion mitigation systems from the requirement to obtain a PTI. Specifically, this exemption applies to equipment or systems, or both, used exclusively to mitigate vapor intrusion of an indoor space, that is not on the property where the release of the hazardous substance occurred, and which has an exhaust that is: (1) unobstructed vertically upward; (2) at least 12 inches above the nearest eave of the roof or at least 12 inches above the surface of the roof at the point of penetration; (3) more than 10 feet above the ground; and (4) more than 2 feet above or more than 10 feet away from windows, doors, other buildings, and other air intakes.

B. Michigan R 336.1291 “Permit to install exemptions; emission units with “de minimis” emissions”

Michigan R 336.1291 exempts emission units with “de minimis” emissions from the requirement to obtain a PTI. Specifically, Michigan R 336.1291 exempts each emission unit in which potential emissions of non-greenhouse gas (GHG) criteria pollutants do not exceed emission rates ranging from 0.1 tons per year for lead to 10 tons per year for carbon monoxide, nitrogen oxides (NO_x), sulfur dioxide (SO₂) or total particulate matter. The “de minimis” emissions threshold for GHGs is 75,000 tons per year when reported as carbon dioxide equivalents. As relevant to Michigan R 336.1291, “potential emissions” refers to the emission unit's potential to emit (PTE) as defined at Michigan R 336.1116(n), R 336.2801(hh), and R 336.2901(z). Under those provisions, PTE means the maximum capacity of a stationary source to emit an air contaminant under its physical and operational design. Any physical or operational limit on the capacity of the stationary source to emit an air contaminant, including air pollution control equipment and restrictions on the hours of operation or the type or amount of material combusted, stored, or processed, must be treated as part of its design only if the limit, or the effect it would have on emissions, is legally enforceable.

Rule 291 would provide for a general exemption from air permitting for sources and projects with de minimis emissions and can be considered a backstop for the overall air permitting exemptions across all industry types.

Any emission unit that has potential emissions above those defined in Rule 291 would be required to obtain a preconstruction permit from EGLE. Rule 291 requires the owner or operator to maintain a description of the emission unit throughout the life of the unit including documentation and calculations identifying the quality, nature, and quantity of the air contaminant emissions. This information is to be maintained in sufficient detail to demonstrate that the potential emissions of the emission unit are less than those listed in Rule 291.

III. EPA's Response to Comments

During the comment period, which closed on May 28, 2024, EPA received one set of consolidated comments from Great Lakes Environmental Law Center, Sierra Club Environmental Law Program, and Air Law for All, Ltd. We respond to the comments in this section.

Comment: The commenters note that section 110(l) of the CAA prohibits approval of any SIP revision that would interfere with any applicable requirement of the Act, and that for minor NSR programs, the section 110(l) analysis must consider the program as a whole to determine whether the construction or modification of sources would interfere with attainment and maintenance of the NAAQAQs.

EPA Response: The CAA's NSR program requires EPA and States to regulate the construction or modification of stationary sources of air emissions under a program of cooperative federalism. The NSR program governs both large sources of emissions, referred to as “major” sources, and small sources of emissions, referred to as “minor” sources. Because major sources have the potential to have a greater impact on air quality, the CAA's requirements largely focus on controlling those sources' emissions, and EPA and States have likewise focused most of their regulatory efforts on addressing major sources' emissions.

This final action does not change any elements of Michigan's NSR program for major sources in attainment or nonattainment areas as addressed by parts C and D of the CAA and its implementing regulations at 40 CFR 51.165 and 40 CFR 51.166. Rather, this action is limited to revisions to Michigan's minor NSR program to clarify the types of construction or modification activities that must obtain a PTI under that program.

The commenters correctly note that section 110(l) of the CAA prohibits EPA from approving a SIP revision if the revision would interfere with any applicable requirement concerning

attainment and reasonable further progress towards attainment of a NAAQS or any other applicable requirement of the CAA. 42 U.S.C. 7410(l). However, EPA does not interpret section 110(l) to require a full attainment or maintenance demonstration before any changes to a SIP may be approved; rather, a SIP revision may be approved under section 110(l) if EPA finds it will at least preserve status quo air quality. *See* 83 FR 44493 (August 31, 2018) (citing *Kentucky Resources Council, Inc. v. EPA*, 467 F.3d 986 (6th Cir. 2006); *GHASP v. EPA*, No. 06–61030 (5th Cir. Aug. 13, 2008)).

In its final rule approving the existing air permit exemptions in Michigan R 336.1280 through Michigan R 336.1290, EPA explained that it approved Michigan's permit exemptions after examining various information EGLE provided in support of its proposed rules, including emission projections, the structure of the existing SIP permitting rules and the structure of each new exemption, and in some cases conservative modeling or qualitative air quality analysis. For example, where the exemption did not contain enforceable limitations on production and operation, and projected emission increases were greater than 10 tons per year of a criteria pollutant, EGLE provided an air quality analysis that EPA found to be adequate. EPA determined that the exemptions would not interfere with attainment of any NAAQS or any other CAA requirement because the use of the exemption would provide the same level of control measures as the control measures that would be included in an individual preconstruction permit, the exemption would result in little or no increase in emissions of a criteria pollutant, or EGLE provided a suitable air quality analysis demonstrating no interference with attainment, reasonable further progress, or any other requirement of the Act. *See* 83 FR 44493–44494 (August 31, 2018).¹

The Rule 291 exemptions address sources that are small, have low emissions (including several pollutants with thresholds substantially less than 10 tons per year), and which are few compared to those already relying on existing exemptions. Indeed, Michigan provided information indicating that emission units that would be exempted under Rule 291 at major sources subject to title V of the Act represent less than

1 percent of the subset of exemptions required to be included in the title V permit renewal application. Thus, Rule 291 would only allow a limited additional number of inconsequential emission units to forego minor NSR. *See* 86 FR 31927 (June 16, 2021) (finding that the Arizona Department of Environmental Quality (ADEQ) adequately demonstrated that emissions from the sources and projects to be exempted from ADEQ's minor NSR program were inconsequential to attainment or maintenance of the NAAQS). Michigan's minor NSR program would continue to cover a large majority of emissions from minor stationary sources and meet applicable statutory and regulatory standards. Further, Rule 291, in conjunction with the SIP-approved Rules 278 through 290, would subject exempt emission units with potential emissions of non-GHG pollutants less than 10 tons per year to the same level of other control measures (including monitoring and recordkeeping requirements contained in any applicable State and Federal rules) as would normally be required in an individual preconstruction permit for units of that size.

Therefore, consistent with section 110(l) of the Act, Michigan has demonstrated to EPA's satisfaction that the exemptions in this action would not cause Michigan's minor NSR program to interfere with attainment, reasonable further progress, or any other requirement of the Act.

Comment: The commenters assert that the combination of existing exemptions with the new exemptions may push the minor NSR program to the point where it no longer protects the NAAQS, and that EPA cannot rely on how Michigan's minor NSR program has performed historically. In particular, the commenters note that the Detroit area is very close to the nonattainment threshold for ozone.

EPA Response: Emissions from the Rule 291 emission units are insignificant compared to those from emission units and activities that are required to obtain a PTI or are relying on the existing approved air permit exemptions. With rare exceptions, emission units of the type, size, and emissions that would be exempted under R 336.1285(2)(oo) and R 336.1291 would be subjected to the same level of other control measures (including recordkeeping requirements) as would be required in an individual preconstruction permit for such units in any area. Where additional control measures or a site-specific air quality analysis might be needed, EPA and EGLE's review of the records that are

required to be kept under these rules would provide EGLE and EPA with the information needed to support imposing such additional control measures on the facility as necessary. In addition, exempt emission units would still be required to comply with all applicable non-PTI related SIP requirements or standards under the CAA and the Michigan SIP.

Based on our review of information that Michigan submitted regarding emissions from sources that are likely to use these exemptions, we disagree that the additional exemptions would impact Michigan's ability to address particulate matter with an aerodynamic diameter less than 2.5 micrometers (PM_{2.5}) or ozone NAAQS attainment issues or that their approval into the Michigan SIP would somehow push Michigan's minor NSR program over the point where it no longer protects the NAAQS. As we explained at proposal, EGLE demonstrated through single- and multiple-emission unit air quality modeling that the proposed exemptions will not affect Michigan's attainment status for any NAAQS or cause any backsliding on achieved improvements.

With respect to EPA's redesignation of the Detroit area from moderate nonattainment to attainment of the 2015 ozone standard,² there is no evidence suggesting that if EGLE were to require PTIs for the exempted units in an area, and the area were to subsequently fall into nonattainment, the permitting of these exempted units would have somehow precluded that from happening. Historically, where Michigan has not achieved attainment, there have been no indications that exemptions have been the cause. Similarly, when an area has come into attainment—such as the Detroit area—Michigan did not find it necessary to modify any exemptions to accomplish the attainment redesignation by permitting the affected facilities. For the Detroit area redesignation to attainment, EGLE did not need to change any air permitting exemptions as part of its plan to attain the standards to demonstrate it had met the criteria for the redesignation. Regarding those standards for which Michigan was not able to demonstrate attainment, there is no evidence the permitting of these exempted facilities would address the issue.

It is worth noting that sources and projects of the size that would be exempted by Rules 280 to 291 are not required to be modeled as part of the standard air permitting process, so a project-specific NAAQS compliance

¹ On April 22, 2019, the Michigan Department of Environmental Quality was reorganized as EGLE. At the time this Federal Register notice was published, the former title was still in use.

² 88 FR 32594 (May 19, 2023).

demonstration is not done for such projects. Also, additional controls are normally not prescribed when permitting such small projects regardless of the attainment status of the project's location beyond those control measures required by any applicable Federal or State regulations. In nonattainment areas, emissions offsets would be required for sources and projects that would emit at levels that are higher than the thresholds we are approving today.

Furthermore, under section 110(k)(5) of the Act, if EPA subsequently concludes that the Michigan SIP is substantially inadequate to attain or maintain a specific NAAQS, or to otherwise comply with any requirement of the Act, EPA may order the State to revise and correct its SIP as necessary. 42 U.S.C. 7410(k)(5).

Comment: The commenters state that Michigan's section 110(l) modeling demonstration indicates that the new exemptions could cause the Detroit area to violate the ozone standard again.

EPA Response: The commenters point to Michigan's comparison of theoretical maximum emission rates and ambient impacts to significant impact levels (SILs). SILs are modeling screening thresholds used in PSD air quality analyses to determine whether additional, comprehensive, air quality analyses are needed to demonstrate that major projects do not cause or contribute to NAAQS violations. A modeled exceedance of the SIL does not mean that the NAAQS would be violated; it is simply one step in a multi-step process of proving that the project would not cause or contribute to a NAAQS violation.

Michigan used EPA's Modeled Emission Rates for Precursors (MERPs) as a Tier 1 demonstration tool to address ozone and PM_{2.5} impacts from single sources. Michigan evaluated worst case scenarios against Rule 291 exemption thresholds. As explained in Michigan's supplemental submittal, there is no evidence sources are using the Rule 291 exemptions at the levels in the modeled scenarios. Actual air quality impacts from sources relying on the Rule 291 exemptions would be much lower than those estimated in Michigan's analysis. This is confirmed by Michigan's analysis of the State's universe of permitted sources which showed that the use of Rule 291 air permit exemptions is extremely limited in practice.

Comment: The commenters object to EPA using data from Michigan's implementation of Rule 291 before it has been approved into the Michigan SIP to show that the SIP, with the new

exemptions, would continue to protect the NAAQS.

EPA Response: In previous comments on our 2022 direct final rule, the commenters noted that Michigan had not provided an estimate of the air emissions from Rule 291 implementation as part of the SIP submittal. In response to this comment, Michigan supplemented its submittal with emissions data from the Michigan Air Emissions Reporting System (MAERS). Michigan's supplemental submittal provided estimates of emissions that have resulted from the application of each rule exemption including the exemptions that Rule 291 covers. The submittal contained actual emissions data submitted to EGLE according to various recordkeeping and reporting requirements of its rules and air permitting program. The submittal demonstrated that many of the exemptions would result in very low levels of emissions that are inconsequential to the overall air permitting program's ability to comply with the CAA and its implementing regulations for minor sources at 40 CFR 51.160–51.164.

The commenters have taken issue with the use of MAERS data to support the conclusion that these emissions are inconsequential but have not disputed the accuracy of the supplied data. EPA believes EGLE has supplied information that adequately illustrates the emissions that would result from implementation of the Rule 291 exemptions in conjunction with the already approved air permit exemptions. Because Michigan provided actual emissions information, not hypothetical projections, EPA has confidence that approval of the Rule 291 exemptions would not result in a consequential increase in unpermitted emissions that would otherwise interfere with Michigan's ability to protect the NAAQS.

Comment: The commenters are concerned that the new exemptions could lead to new nonattainment areas for PM_{2.5}. The commenters speculate that EPA will likely designate at least three new nonattainment areas in Michigan for the new annual PM_{2.5} standards and that creating new exemptions in the minor NSR program for PM_{2.5} precursors will only exacerbate the problem.

EPA Response: Under section 110(a) of the Act, each State is mandated to adopt and submit to EPA a plan which provides for implementation, maintenance, and enforcement of NAAQS within such State. EGLE has developed attainment strategies to address its nonattainment areas, which

include a combination of source-specific air pollutant reduction plans and maintenance of existing attainment areas. As EPA demonstrated in its approval of the 2015 ozone standard redesignation to attainment for the Detroit area, the improvement in air quality with respect to ozone was due to Michigan and EPA programs that reduced NO_x and volatile organic compounds (VOC) emissions. 88 FR 32594 (May 19, 2023). These control measures include more protective vehicle emissions standards, nonroad engine emissions standards, and programs to reduce emissions from power plants. For the Detroit area, the past 20-plus years have seen a substantial decrease in ozone concentrations, with additional emission reductions expected to occur in the future. 87 FR 14210 (March 14, 2022).

It is worth noting that minor sources are not required to conduct an air quality analysis or install Best Available Control Technology (BACT) or Lowest Achievable Emissions Rate (LAER) control measures for each proposed change under the PSD and nonattainment NSR regulations found at 40 CFR 51.166 and 51.165, respectively. Neither EPA's regulations at 40 CFR 51.160–51.164 nor the CAA require that State minor NSR programs include requirements for BACT, LAER, or an air quality analysis as a prerequisite for obtaining a preconstruction permit for minor sources. This is in recognition of the ubiquitous nature of such sources and to ensure the State's resources are preserved for larger sources with the greatest potential impact on air quality. While States are not prohibited from including such provisions in their SIPs, EGLE has not proposed, and EPA has not approved, such provisions in the Michigan SIP. Accordingly, under the SIP, without the new exemptions, sources of PM_{2.5} emissions that would otherwise qualify for the new exemptions would generally not be required to conduct a complex air quality analysis to demonstrate that their emissions do not significantly impact nearby PM_{2.5} monitors, nor be required to implement additional measures beyond those required by Rule 285 and 291.

Except under rare circumstances, EPA believes the low emissions from those projects are so inconsequential to compliance with NAAQS and the ability for EGLE to maintain reasonable further progress that project-specific ambient air quality demonstrations are not necessary. EGLE, as the State permitting authority, has the discretion to require an air quality analysis or impose other

control measures as necessary in the rare situations where it determines that a specific source may be causing or contributing to a violation of the NAAQS, regardless of whether the source relied on an air permit exemption to avoid permitting. In addition, EPA has enforcement authority under sections 113 and 114 of the Act to require such a demonstration as necessary. As already discussed, the air permit exemptions require the facility to adequately keep records of its emissions to ensure that they do not exceed the air permit exemption thresholds.

Comment: The commenters assert that Michigan should not rely on the minor NSR program applicable in Indian country (Tribal Minor NSR Rule) as the basis for establishing de minimis emissions thresholds for its air permit exemptions.³

EPA Response: While Michigan relied on a similar approach to that EPA used to develop the Tribal Minor NSR Rule's thresholds when developing the de minimis thresholds in Rule 291, the State did not exclusively rely on the Tribal Minor NSR Rule's approach. As explained in Michigan's supplemental submittal, the Tribal Minor NSR Rule is simply one of many sources of thresholds ultimately used to draft the thresholds in Rule 291. Michigan also relied on EPA modeling guidance, regulatory significance emissions rates, Michigan's existing permitting policies and guidance, and decades of experience using, creating, and evaluating exemptions in Michigan's NSR program. Moreover, EPA has previously determined that the approach EPA took in developing the thresholds in the Tribal Minor NSR Rule is appropriate for establishing such thresholds in SIPs. *See, e.g.,* 86 FR 31932 (June 16, 2021) (approving certain NSR permitting exemptions for the ADEQ's portion of the Arizona SIP).

Similar to the approach EPA followed for the Tribal Minor NSR Rule and Arizona SIP, EGLE conducted a source distribution analysis using data from MAERS and the State's database of staff reports for title V permits. Through this analysis, EPA estimates that the percentage of emissions that would be exempt from minor NSR under Rule 291's thresholds would be less than 0.1 percent for each regulated NSR pollutant except for VOC, which would be about 0.8 percent. This analysis demonstrates that sources with

emissions below the proposed minor NSR thresholds in Rule 291 will be inconsequential to attainment and maintenance of the NAAQS.

While the proposed thresholds apply to individual units and not groups of units, Michigan's rules implementing the PSD and nonattainment NSR significance rates, as well as Michigan R 336.1278(1)(b), would serve as a backstop for projects with multiple emissions units. Under those provisions, projects involving multiple units must sum up emissions from all affected units to determine whether the thresholds for PSD or nonattainment NSR permitting are exceeded. As already stated, the exemptions in R 336.1280 to R 336.1291 do not apply to projects that are subject to PSD or nonattainment NSR permitting requirements.

Comment: The commenters would like EPA to consider the potential cumulative impact of multiple projects relying on the air permit exemptions.

EPA Response: As already discussed, EGLE has the discretion to conduct an air quality analysis if it believes that there may be an impact on the NAAQS or PSD increments from a planned or existing activity. The commenters' main argument is that an unlimited number of sources whose impacts are less than the SILs could cumulatively cause a violation of the NAAQS or increments. However, Michigan's existing SIP already requires that major sources and sources that may cause impacts that would exceed the SILs or cause a violation of the NAAQS or increments must conduct an air quality analysis before a preconstruction permit may be issued. Further, as part of their statutory obligations, EPA and EGLE review data from air quality monitors to determine whether individual sources or groups of sources are substantively impacting air quality in certain areas. Based on the results of those reviews, EPA and EGLE have the discretion to require targeted actions that may include, but are not limited to, a comprehensive air quality modeling demonstration, source-specific control measures, or a revision of the SIP, among others.

Comment: The commenters assert that the MERPs, modeling protocol, model inputs, and model results were not provided with Michigan's supplemental submittal and thus were not available for public comment. According to the commenters, EPA is therefore required to re-propose its action and make the MERPs, modeling protocol, model inputs, and model results available for public comment before relying on them.

EPA Response: EGLE's supplemental submittal was made available for public

comment by EPA. In its supplemental submittal, EGLE provided emissions data from MAERS in addition to its MERPs analysis. With respect to the MERPs analysis, EGLE stated it completed the analysis following formulas and procedures contained in an April 30, 2019, EPA guidance document addressing the subject, and utilizing data from EPA's MERPs website. The submittal noted that further details of the analysis could be provided upon request.

Significantly, EGLE provided data on emission units and pollutant levels for various exemptions demonstrating the negligible emissions that would be expected from the Rule 291 exemptions. EGLE's supplemental submittal included MAERS emissions data for all Michigan air permit exemptions including Rule 291 exemptions. While the information EGLE provided on its MERPs analysis provides additional support for the exemptions, the additional information was not needed to satisfy the Act's minimum requirements for minor NSR program submittals. Most importantly, the information EPA relied upon for today's final action was made available during the public comment period.

Comment: EPA should not draw conclusions about the performance of the new exemptions based on sources that have been "violating the SIP" during the period where Michigan's State rules contained the new, proposed exemptions but the approved SIP did not (known as the "SIP gap").

EPA Response: The existence of a SIP gap in a particular SIP is not uncommon due in large part to the often-lengthy procedural requirements associated with approving new State rules into the SIP. The commenters correctly point out that until the new exemptions are approved into the Michigan SIP, State actions implementing those provisions are not federally enforceable. However, the commenters appear to misunderstand the intent of Michigan's inclusion in its submittal of emissions and other data related to its implementation of the SIP gap exemptions. Michigan provided emissions information from existing sources that utilized those exemptions to satisfy State requirements to address concerns that it had not sufficiently explained how implementation of the new exemptions could impact future compliance with NAAQS. EPA considers the information Michigan provided as an illustration of how the exemptions would be implemented in practice and the potential impacts from their implementation. As demonstrated in Michigan's submittal, the projected

³ The commenters also object to EPA's redesignation of the Detroit area to attainment for the 2015 ozone NAAQS. *See* 88 FR 32594 (May 19, 2023). EPA is not addressing this comment as it is outside the scope of this action.

actual total emissions from the Rule 291 exemptions would be inconsequential compared to the total tons per year emitted from all the exempted units. There is no evidence that the data EGLE provided is incorrect.

Comment: The commenters assert that annual PTE limitations may not sufficiently protect short-term NAAQS. According to the commenters, an annual PTE is not more restrictive than a short-term PTE with respect to short term spikes in emissions, which is a concern for short term NAAQS such as the 8-hour ozone standard.

EPA Response: We disagree with the notion that one must have short-term PTE limits in a minor NSR SIP to protect short-term NAAQS such as the 8-hour ozone standard. While sources may have variability in their hourly or daily emissions, EPA has generally found that annual de minimis thresholds in SIPs are sufficient to ensure that only those sources with inconsequential emissions are exempted from rigorous permitting requirements, including an air quality analysis. For this reason, EPA does not require air quality analyses for pollutants whose PTE in tons per year is not “significant” or modifications that would not result in a “significant” net emissions increase in tons per year. See 40 CFR 52.21(m).

EPA and Michigan define PTE similarly: the maximum capacity of a stationary source to emit an air contaminant under its physical and operational design. See 40 CFR 51.165(a)(1)(iii), 40 CFR 51.166(b)(4), 40 CFR 52.21(b)(4), and Michigan R 336.1116(n), R 336.2801(hh) and R 336.2901(z). In determining the PTE of an emission unit seeking to utilize the Rule 291 exemptions, federally enforceable restrictions on operations or the use of air pollution control equipment are not considered since the emission unit does not have a permit. The commenters’ assertion that a short-term spike in emissions could impact a short-term NAAQS does not take into account that the short-term spike in emissions would have already been factored into the determination of the emission unit’s annual PTE and whether it could utilize the Rule 291 air permit exemptions. This is because there would be no other practically enforceable limit such as would be contained in a permit to restrict the emission unit’s PTE.

A PTE or an emissions increase is “significant” if it equals or exceeds any of the emission rates specified in 40 CFR 51.166(b)(23)(i) and 40 CFR 51.165(a)(1)(x)(A) for attainment and nonattainment areas, respectively. See also Michigan R 336.1119(e), R

336.2801(qq) and R 336.2901(hh). Because these values are expressed as a rate of emissions in tons per year, EPA often refers to each value as a “significant emissions rate.” Significant emissions rates are premised on the foundational legal principles for de minimis levels as laid out by the D.C. Circuit Court of Appeals in *Alabama Power Co. v. Costle*, 81 FR 68120 (October 3, 2016) (citing 636 F.2d 323, D.C. Cir. 1979).

It is worth noting that significant emissions rates for the NSR program are not differentiated by the averaging times of the NAAQS applicable to some of the listed pollutants. Although short-term NAAQS for ozone, SO₂, carbon monoxide, particulate matter, and nitrogen dioxide have been promulgated for many years, EPA has not promulgated alternate “short-term” significant emissions rates for those standards. In so doing, EPA continues to find the significant emissions rates expressed in tons per year to be adequate for screening for sources or projects that could threaten the NAAQS, regardless of the standard’s averaging time. Notably, these significant emissions rates are much greater than the de minimis thresholds listed in Rule 291 suggesting that the Rule 291 thresholds would be more protective of short-term and annual NAAQS than the significant emissions rates.

In support of their comments, the commenters cite a non-binding EPA memorandum that provided guidance to State, local, and tribal governments for the development of SIPs and tribal implementation plans for areas designated as nonattainment for the primary 2010 NAAQS for SO₂.⁴ In that guidance, EPA observed that it may be possible in specific cases for States to develop control strategies for their nonattainment areas that account for variability in 1-hour emissions rates through emission limits with averaging times that are longer than 1 hour, using averaging times as long as 30 days, but still provide for attainment of the 2010 SO₂ NAAQS. As explained in the memorandum, the guidance discussed the CAA statutory requirements that air agencies need to address when implementing the 2010 SO₂ NAAQS in areas designated as nonattainment for the 2010 SO₂ standard. Specifically, it provided recommendations for air agencies to consider as they developed plans to satisfy the requirements of sections 172, 175A, 191, and 192 of the

CAA to show future attainment and maintenance of the 2010 SO₂ NAAQS. Importantly, this guidance did not pertain to and was not intended for the development of permitting SIPs under section 110 of the Act and 40 CFR 51.160–164 as relevant for this action. We therefore disagree with the commenters’ suggestion that this guidance advocates for inclusion of short-term PTE limits in SIPs that are submitted to satisfy the minor NSR programs under 40 CFR 51.160–164.

Comment: The commenters request that Michigan develop more stringent exemption thresholds in nonattainment areas.

EPA Response: EPA’s longstanding interpretation of section 110(l) of the Act is that we may approve a SIP revision so long as emissions to the air are not increased, thereby preserving “status quo air quality.” See, for example, 89 FR 82561 (October 11, 2024). In this context, we interpret the word “interfere” as used in section 110(l) to mean that the SIP revision does not hamper, frustrate, hinder, or impede any applicable CAA requirements. As already stated, Michigan has submitted a section 110(l) analysis which sufficiently demonstrates that the proposed exemptions would not interfere with attainment of the NAAQS or reasonable further progress in nonattainment and maintenance areas.

The commenters take issue with Michigan’s explanation that implementing an exemption threshold that varies with attainment status would be difficult, “particularly with an installation-based permitting program.” Although a variable, location-based, exemption threshold may be desirable, EPA believes such a variable threshold is unnecessary and would pose significant implementation challenges in the minor NSR program for sources with inconsequential emissions. As the commenters acknowledge, areas routinely come in and out of nonattainment as air quality worsens and improves, respectively, which could lead to unnecessary business uncertainty and confusion for small businesses as different exemption thresholds could apply at various times from project conception to implementation. EPA believes the existing permitting thresholds for nonattainment areas in conjunction with the exemptions that EPA is approving today would adequately protect air quality in nonattainment areas.

We also note that the exemptions Michigan has proposed, and EPA is approving, would generally not change the status quo with respect to emissions

⁴ Available in the docket and at https://www.epa.gov/sites/default/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.

and air quality control requirements for the emissions units that would qualify for the exemptions. This action does not alter the permitting thresholds or requirements that EPA has approved into the Michigan SIP for sources and projects located in nonattainment areas. As already discussed, this action would merely free up State resources so that they can be used to focus on those emissions units and projects that would have the greatest potential impact on attainment and maintenance of the NAAQS.

This action also does not relieve Michigan of its statutory obligation to ensure sources in its jurisdiction do not cause or contribute to a violation of the NAAQS or interfere with reasonable further progress in nonattainment and maintenance areas. Additionally, under section 110(k)(5) of the Act, EPA retains authority to order a SIP revision if it subsequently determines that exempt sources in Michigan are interfering with attainment of the NAAQS in an area. 42 U.S.C. 7410(k)(5).

IV. What action is EPA taking?

EPA is approving revisions to the Michigan SIP that EGLE submitted on March 8, 2022. EPA approves into the Michigan SIP at 40 CFR 52.1170 the following regulations: Michigan R 336.1285(2)(oo) “Permit to install exemptions; miscellaneous” and R 336.1291 “Permit to install exemptions; emission units with “de minimis” emissions.”

V. Incorporation by Reference

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

of EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.⁵

VI. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have

Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

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

List of Subjects in 40 CFR Part 52

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

Dated: October 28, 2025.

Anne Vogel,

Regional Administrator, Region 5.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

- 2. In § 52.1170, the table in paragraph (c) is amended under “Part 2. Air Use Approval” by revising the entry for “R 336.1285” and by adding a new entry for “R 336.1291” after the entry for “R 336.1290” to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

⁵ 62 FR 27968 (May 22, 1997).

EPA APPROVED-MICHIGAN REGULATIONS

Michigan citation	Title	State effective date	EPA approval date	Comments
*	*	*	*	*
Part 2. Air Use Approval				
R 336.1285	Permit to install exemptions; miscellaneous.	1/2/2019	11/18/2025, 90 FR [Insert Federal Register page where the document begins].	*
R 336.1291	Permit to install exemptions; emission units with “de minimis” emissions.	1/2/2019	11/18/2025, 90 FR [Insert Federal Register page where the document begins].	*
*	*	*	*	*

* * * * *

[FR Doc. 2025–20150 Filed 11–17–25; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2024–0288; FRL–12047–02–R2]

Air Plan Approval; New Jersey; Northern New Jersey and Southern New Jersey Counties’ Second 10-Year Limited Maintenance Plan for the 2006 24-Hour PM_{2.5} Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the limited maintenance plan (LMP) for the 2006 PM_{2.5} national ambient air quality standard (NAAQS) for the New Jersey portion of both of New Jersey’s multi-state maintenance areas: the Northern New Jersey portion of the New York-Northern New Jersey-Long Island, NY–NJ–CT (Northern New Jersey) maintenance area and the New Jersey portion of the Philadelphia-Wilmington, PA–NJ–DE (Southern New Jersey) maintenance area. This LMP was submitted on July 6, 2023, and supplemented on June 6, 2024, by the New Jersey Department of Environmental Protection (NJDEP). The plan addresses the second 10-year maintenance period for particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, known as PM_{2.5}. This action is being taken in accordance with the requirements of the Clean Air Act (CAA). The EPA is approving New

Jersey’s LMP submission for the Northern New Jersey and Southern New Jersey maintenance areas because it provides for the maintenance of the 2006 24-hour PM_{2.5} NAAQS through the end of the second 10-year portion of the maintenance period. In addition, the EPA finds adequate and is approving the LMP because it meets the appropriate transportation conformity requirements. EPA proposed to approve this action on July 31, 2025.

DATES: This final rule is effective on December 18, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R02–OAR–2024–0288 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>.

FOR FURTHER INFORMATION CONTACT: Ysabel Banon, Environmental Protection Agency, Air Programs Branch, Region 2, 290 Broadway, New York, New York 10007–1866, telephone number: (212) 637–3382, email address: banon.ysabel@epa.gov.

SUPPLEMENTARY INFORMATION:

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

I. Background and Purpose

Hereafter, “Northern New Jersey” means the New Jersey portion of the New York-Northern New Jersey-Long Island, NY–NJ–CT maintenance area (for the 2006 24-hour PM_{2.5} NAAQS), which is comprised of Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, and “Southern New Jersey” means the New Jersey portion of the Philadelphia-Wilmington, PA–NJ–DE maintenance area (for the 2006 24-hour PM_{2.5} NAAQS), which is comprised of Burlington, Camden, and Gloucester Counties. On December 14, 2009, EPA designated the Northern New Jersey and Southern New Jersey areas as nonattainment for the 2006 PM_{2.5} NAAQS (74 FR 58688). Subsequently, on September 4, 2013, EPA redesignated the Northern New Jersey and Southern New Jersey areas to attainment for the 2006 PM_{2.5} NAAQS (78 FR 54396) and approved the associated maintenance plan into the New Jersey State Implementation Plan (SIP).

On July 31, 2025, EPA published a Notice of Proposed Rulemaking (NPRM) for the State of New Jersey (90 FR 35996). The NPRM proposed approval of the State’s second, 10-year LMP for the 2006 24-hour PM_{2.5} standard for the Northern New Jersey and Southern New Jersey areas. The formal SIP revision was submitted by NJDEP on July 6, 2023, and supplemented on June 6, 2024. EPA is approving the plan because it meets all applicable requirements under CAA sections 110 and 175A. We also find the LMP to be adequate as it pertains to transportation conformity requirements. Other specific requirements of the LMP and the rationale for EPA’s action are explained in the NPRM and will not be restated

here. One public comment was received on the NPRM.

II. Response to Comments

In response to the EPA's July 31, 2025, proposed rulemaking on the NJDEP SIP revision submittal, the EPA received one comment during the 30-day public comment period. The comment period ended on September 2, 2025. After reviewing the comment, the EPA has determined that the comment is outside the scope of our proposed action or fails to identify any material issue necessitating a response. The comment does not raise issues germane to the EPA's proposed action. Therefore, we are finalizing our action as proposed. The specific comment may be viewed under Docket ID No. EPA-R02-OAR-2024-0288 on the <https://www.regulations.gov> website.

III. Final Action

EPA is approving the New Jersey's LMP for the Northern New Jersey and Southern New Jersey areas for the 2006 24-hour PM_{2.5} NAAQS as a revision to the New Jersey SIP submitted on July 6, 2023, and supplemented on June 6, 2024. EPA's review of the air quality data for the maintenance area indicates that the State continues to show attainment well below the level of the 2006 PM_{2.5} NAAQS and that NJDEP's LMP meets all the LMP qualifying criteria set forth in the "Guidance on Limited Maintenance Plan Option for Moderate PM_{2.5} Nonattainment Areas and PM_{2.5} Maintenance Areas." ¹ EPA's approval of this LMP will satisfy the CAA section 175A requirements for the second 10-year period for the Northern New Jersey and Southern New Jersey maintenance areas. EPA also finds the LMP to be adequate as it pertains to transportation conformity requirements.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable federal regulations.

¹ The guidance document developed by the Office of Air Quality Planning and Standards and the Office of Transportation and Air Quality, within the Office of Air and Radiation, titled "Guidance on the Limited Maintenance Plan Option for Moderate PM_{2.5} Nonattainment Areas and PM_{2.5} Maintenance Areas," can be found at <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1015UL4.pdf>.

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

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

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

This action is subject to the Congressional Review Act (CRA), and

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

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

Michael Martucci,

Regional Administrator, Region 2.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart FF—New Jersey

- 2. In § 52.1570, the table in paragraph (e) is amended by adding the entries "NJ second 10-year limited maintenance plan SIP for the 2006 24-hour PM_{2.5} NAAQS" and "2017 attainment year emissions inventory for directly emitted PM_{2.5} and associated precursors emissions for NO_x, VOC, NH₃, and SO₂" at the end of the table to read as follows:

§ 52.1570 Identification of plan.

*	*	*	*	*
(e)	*	*	*	*

EPA-APPROVED NEW JERSEY NONREGULATORY AND QUASI-REGULATORY PROVISIONS

SIP element	Applicable geographic or nonattainment area	New Jersey submittal date	EPA approval date	Explanation
* NJ second 10-year limited maintenance plan SIP for the 2006 24-hour PM _{2.5} NAAQS.	* New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the New Jersey portion of the Philadelphia-Wilmington, PA-NJ-DE, PM _{2.5} non-attainment areas.	* July 6, 2023, and supplemented on June 6, 2024.	* 11/18/2025, 90 FR [insert Federal Register page where the document begins].	* • Full approval.
2017 attainment year emissions inventory for directly emitted PM _{2.5} and associated precursors emissions for NO _x , VOC, NH ₃ , and SO ₂ .	New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the New Jersey portion of the Philadelphia-Wilmington, PA-NJ-DE, PM _{2.5} non-attainment areas.	July 6, 2023, and supplemented on June 6, 2024.	11/18/2025, 90 FR [insert Federal Register page where the document begins].	• Full approval. • The inventory contains point, area, fugitive road dust, nonroad, on-road and fires source data.

■ 3. In § 52.1602, add paragraphs (i) and (j) to read as follows:

§ 52.1602 Control strategy and regulations: PM_{2.5}.

* * * * *

(i) Approval—The maintenance plan submitted on July 6, 2023, and supplemented on June 6, 2024, for the 2006 p.m.2.5 National Ambient Air Quality Standard for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, PM_{2.5} maintenance area and the New Jersey portion of the Philadelphia-Wilmington, PA-NJ-DE, PM_{2.5} maintenance area has been approved.

(j) Approval—The 2017 attainment year emissions inventory for the New Jersey portions of the New York-Northern New Jersey-Long Island, NY-NJ-CT, PM_{2.5} maintenance area and the Philadelphia-Wilmington, PA-NJ-DE, PM_{2.5} maintenance area consisting of NO_x, VOC, NH₃, directly emitted PM_{2.5}, and SO₂ emissions. This inventory satisfies the comprehensive emission inventory requirements of the Clean Air Act section 172(c)(3).

[FR Doc. 2025-20194 Filed 11-17-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R01-OAR-2025-0142; FRL-12778-02-R1]

Air Plan Approval; Vermont; Regional Haze State Implementation Plan for the Second Implementation Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Vermont on July 1, 2024, as satisfying applicable requirements under the Clean Air Act (CAA) and EPA's Regional Haze Rule for the program's second implementation period. Vermont's SIP submission addresses the requirement that states must periodically revise their long-term strategies for making reasonable progress towards the national goal of preventing any future, and remedying any existing, anthropogenic impairment of visibility, including regional haze, in mandatory Class I Federal areas. The SIP submission also addresses other applicable requirements for the second implementation period of the regional haze program. This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on December 18, 2025.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-R01-OAR-2025-0142. All documents in the docket are listed on the <https://www.regulations.gov> website. Although

listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at <https://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

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

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

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

I. Background and Purpose

On May 23, 2025 (90 FR 22033), EPA published a Notice of Proposed Rulemaking (NPRM) for the State of Vermont. The NPRM proposed approval of the second implementation period regional haze requirements contained in CAA sections 169A and 169B and 40 CFR 51.308. The formal SIP revision

was submitted by Vermont on July 1, 2024. EPA is now finalizing its proposed determination that the Vermont regional haze SIP submission for the second implementation period meets the applicable statutory and regulatory requirements and is thus approving Vermont's submission into its SIP. Other specific requirements of the Vermont submittal and the rationale for EPA's proposed action is explained in the NPRM and will not be restated here. Two public comments were received on the NPRM.

II. Response to Comments

EPA received two comments during the comment period. Both comments supported EPA's proposed action to approve Vermont's Regional Haze Plan submission. However, the comment from MANEVU also objected to EPA's recently adopted policy referenced in the NPRM regarding the "Uniform Rate of Progress" (URP). Below, EPA provides a response to that aspect of MANEVU's comment.

Comment: MANEVU states that section 169A(g)(1) of the Clean Air Act (CAA) sets forth the four factors a state must apply in evaluating potential emission reductions from sources within its borders. They then note that the EPA in its new policy "now invokes an extra-statutory fifth factor, the Uniform Rate of Progress (URP)" which "[a]s framed by the EPA, . . . can override a statutory four factor analysis finding that while additional requirements placed on visibility-impairing sources constitute 'reasonable progress,' these can be dismissed because the impacted Class I area is below the URP." The Commenters note that "[b]ecause the URP is a regulatory creation outside the CAA section 169A(g)(1) definition of determining reasonable progress, . . . the URP as a factor to override a statutory four factor analysis is not permissible." Commenters state that "CAA section 169A(g)(1) explicitly defines how to determine reasonable progress, and the EPA has received no authority from Congress to impose an additional overriding regulatory criterion that goes beyond the statutory factors [see, e.g., *Loper Bright Enterprises, et al. v. Raimondo, et al.* 603 U.S. 369 (2024)]."

Response: As MANEVU recognizes, Vermont's Regional Haze submission satisfies Clean Air Act requirements.¹ The EPA disagrees, however, with MANEVU's comment that the URP

policy articulated in our proposed approval of Vermont's submission allows states and EPA to override a statutory four-factor analysis to determine how to make reasonable progress toward the national visibility goal in the second planning period. CAA section 169A(b)(2) requires SIPs to "contain such emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward the national visibility goal" and 169A(g)(1) requires that "in determining reasonable progress there shall be taken into consideration the costs of compliance, the time necessary for compliance, and the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements." Vermont considered the four statutory factors, as required by the Act, and EPA did not dismiss the state's four factor analysis. Additionally, as EPA noted in the NPRM, the Class I areas affected by emissions from Vermont remain below their respective URPs.

III. Final Action

EPA is approving Vermont's July 1, 2024, submittal as a revision to the Vermont SIP, satisfying the regional haze requirements for the second implementation period contained in 40 CFR 51.308(f), (g), and (i).

IV. Statutory and Executive Order Reviews

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

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

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

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

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

- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

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

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

¹ MANEVU noted that "approval of Vermont's haze SIP is justified solely on the basis of the four statutory factors without resort to an impermissible fifth factor not found in the statute."

of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides, Volatile organic compounds.

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

Dated: October 6, 2025.

Mark Sanborn,

Regional Administrator, EPA Region 1.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

VERMONT NON-REGULATORY

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

Subpart UU—Vermont

■ 2. In § 52.2370, amend the table in paragraph (e) by adding an entry for “Vermont Regional Haze Plan Periodic Comprehensive Revision for 2nd planning period 2018–2028” to the end of the table to read as follows:

§ 52.2370 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date	Explanations
* * *	* * *	* * *	* * *	* * *
Vermont Regional Haze Plan Periodic Comprehensive Revision for 2nd planning period 2018–2028.	Statewide	Submitted 7/1/2024	11/18/2025, 90 FR [Insert Federal Register page where the document begins].	Approves full plan.

[FR Doc. 2025–20141 Filed 11–17–25; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2024–0595; FRL–12391–04–R10]

Air Plan Approval; AK, Fairbanks North Star Borough; 2006 24-Hour PM_{2.5} Serious Area and 189(d) Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of the State implementation plan (SIP) submission, submitted by the State of Alaska (Alaska or the State) on December 4, 2024, to address Clean Air Act requirements for the 2006 24-hour fine particulate matter (PM_{2.5}) national ambient air quality standard in the Fairbanks North Star Borough PM_{2.5} nonattainment area. Alaska’s submission includes SIP revisions to meet nonattainment planning requirements for emissions inventories, modeling and sulfur dioxide precursor demonstration for major stationary sources, control measures, attainment projection date, reasonable further progress requirements, motor vehicle

emissions budgets, and contingency measures.

DATES: This action is effective on December 18, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2024–0595. 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.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Matthew Jentgen, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, WA, 98101, (206) 553–0340, jentgen.matthew@epa.gov.

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

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 - A. Final Approval
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- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Background

This action is the latest in a series of regulatory actions regarding the Fairbanks PM_{2.5} Nonattainment Area. For a complete regulatory history of the Fairbanks PM_{2.5} Nonattainment Area, see the EPA’s proposal, published on January 8, 2025 (90 FR 1600) (Proposal). The following is a summary of the history that is pertinent to this action. In 2009, the EPA designated a portion of the Fairbanks North Star Borough as “nonattainment” (Fairbanks PM_{2.5} Nonattainment Area) for the 2006 24-hour PM_{2.5} National Ambient Air Quality Standards (NAAQS), which is set at the level of 35 micrograms per cubic meter (µg/m³) (74 FR 58688, November 13, 2009). Effective July 2, 2014, the EPA classified the area as “Moderate” (79 FR 31566, June 2, 2014). Subsequently, Alaska submitted, and the EPA approved, a plan to meet the Moderate nonattainment area

requirements (Fairbanks Moderate Plan) (82 FR 42457, September 8, 2017).

On May 10, 2017, the EPA determined that the Fairbanks PM_{2.5} Nonattainment Area failed to attain the 2006 24-hour PM_{2.5} NAAQS by the outermost statutory Moderate area attainment date of December 31, 2015 (82 FR 21711). Consequently, the area was automatically reclassified to Serious.¹ Alaska submitted a plan to address the Serious PM_{2.5} nonattainment area requirements on December 13, 2019 (Fairbanks Serious Plan). On September 2, 2020, prior to taking action on the Fairbanks Serious Plan, the EPA determined that the area failed to attain by the Serious area attainment date of December 31, 2019 (85 FR 54509). Alaska submitted a revised plan to meet the requirements of CAA section 189(d) on December 15, 2020 (Fairbanks 189(d) Plan).

On September 24, 2021, the EPA approved the 2013 base year emissions inventory and the PM_{2.5} precursor demonstration elements for nitrogen oxides (NO_x) and volatile organic compound (VOC) emissions of the Fairbanks Serious Plan as meeting the Serious area planning requirements (86 FR 52997). In the same action, the EPA approved other plan components as SIP strengthening, including: (1) the updated Fairbanks Emergency Episode Plan that the State adopted on November 18, 2020, and submitted on December 15, 2020; and (2) various regulatory control measures included in three separate SIP submissions

(December 13, 2019, October 25, 2018, and November 28, 2018). The EPA did not determine as part of the September 24, 2021, approval whether these SIP-strengthening components met specific nonattainment plan requirements. In particular, the EPA did not determine whether the Fairbanks Serious Plan or Fairbanks 189(d) Plan met the following requirements for PM_{2.5} Serious nonattainment areas: (1) attainment projected emissions inventory, (2) control strategy, (3) attainment demonstration, (4) reasonable further progress, (5) quantitative milestones, or (6) contingency measures.

On December 5, 2023, the EPA finalized its determination of whether the Fairbanks Serious Plan and Fairbanks 189(d) Plan met CAA requirements for PM_{2.5} Serious nonattainment areas. Specifically, the EPA approved Alaska's 2019 base year emission inventory included in the Fairbanks 189(d) Plan. The EPA approved certain discrete measures as meeting best available control measure requirements. The EPA also approved the plans as meeting nonattainment NSR requirements for purposes of CAA section 189(d) on December 5, 2023 (88 FR 84629).

However, the EPA disapproved in part the Fairbanks Serious Plan and Fairbanks 189(d) Plan as not meeting the following requirements for PM_{2.5} Serious nonattainment areas: (1) attainment projected emissions inventory, (2) control strategy, in part, as not containing all required control

measures, (3) attainment demonstration, (4) reasonable further progress, (5) quantitative milestones, or (6) contingency measures.

On December 4, 2024, Alaska submitted a revision to the Fairbanks Serious and 189(d) Plans (Fairbanks Revised 189(d) Plan) to rectify the portions the EPA disapproved on December 5, 2023. The Fairbanks Revised 189(d) Plan includes an updated base year emissions inventory, attainment projected emissions inventory, major stationary source SO₂ precursor demonstration, control strategy, modeled attainment demonstration, reasonable further progress provisions, quantitative milestones, and contingency measures. The EPA proposed to fully approve the plan revision on January 8, 2025 (90 FR 1600). This action finalizes the EPA's proposed approval of the Fairbanks Revised 189(d) Plan as meeting nonattainment plan requirements for the Fairbanks PM_{2.5} Nonattainment Area.

Table 1 of this preamble provides a summary of the EPA's December 5, 2023, final rule and this final rule approving the Fairbanks Revised 189(d) Plan. Table 1 illustrates how the Fairbanks Serious Plan and Fairbanks Revised 189(d) Plan collectively satisfy CAA requirements for the Fairbanks PM_{2.5} Nonattainment Area. The EPA's reasons for this action are explained in further detail in the following sections and in the separate Response to Comment document.

TABLE 1—SUMMARY OF THE EPA'S ACTIONS ON NONATTAINMENT PLAN REQUIREMENTS, 2023 FINAL RULE AND 2025 FINAL RULE

Description of CAA planning requirement	2023 Final Rule	2025 Final Rule
Base year emissions inventory for areas subject to CAA section 189(d), (CAA section 172(c)(3); 40 CFR 51.1008(c)(1)).	Approval of the 2019 base year emissions inventory.	Approval of the 2020 base year emission inventory.
Attainment projected emissions inventory, (CAA section 172(c)(1); ² 40 CFR 51.1008(c)(2)).	Disapproval of the 2024 attainment projected emissions inventory.	Approval of the 2027 attainment projected emissions inventory.
Pollutants addressed/Precursor demonstrations (CAA section 189(e); ³ 40 CFR 51.1006.	Approval of the comprehensive precursor demonstrations for NO _x and VOC emissions. (<i>Note: the EPA also finalized approval of this requirement on September 24, 2021 (86 FR 52997).</i>)	Approval of the existing major stationary source precursor demonstration for SO ₂ emissions.

¹ 42 U.S.C. 7513(b)(2)(A).

² 42 U.S.C. 7502(c)(1).

TABLE 1—SUMMARY OF THE EPA'S ACTIONS ON NONATTAINMENT PLAN REQUIREMENTS, 2023 FINAL RULE AND 2025 FINAL RULE—Continued

Description of CAA planning requirement	2023 Final Rule	2025 Final Rule
Serious area nonattainment plan control strategy that ensures that best available control measures (BACM), including best available control technologies (BACT), for the control of direct PM_{2.5} and PM_{2.5} precursors are implemented in the nonattainment area, (CAA section 189(b)(1)(B); ⁴ 40 CFR 51.1010(a)).	Partial approval of the control strategy as meeting BACM and BACT requirements under CAA section 189(b)(1)(B) ⁵ and 40 CFR 51.1010(a) for the solid fuel home heating device source category and residential and commercial fuel oil combustion source category. Partial approval of the control strategy approved as meeting BACM and BACT requirements under CAA section 189(b)(1)(B) ⁶ and 40 CFR 51.1010(a) for the charbroiler, used oil burner, and mobile source categories (except disapproval for the rejection of vehicle anti-idling requirements). Disapproval of the control strategy BACM and BACT requirements (CAA section 189(b)(1)(B) ⁷ and 40 CFR 51.1010(a)) for the following emissions source categories: (1) Requirements for wood sellers; (2) Coal-fired heating devices; (3) Coffee roasters; (4) Energy efficiency and weatherization measures; (5) Mobile source category (disapproving for lack of vehicle anti-idling requirements). Approval of specific regulations under 18 AAC 50.075 through 077 (except disapproval of the requirements for dry wood sellers under 18 AAC 50.076(k)), and Fairbanks Emergency Episode Plan (except disapproval of the contingency measure portion). Partial approval as meeting applicable control strategy BACM and BACT requirements (CAA section 189(b)(1)(B) and 40 CFR 51.1010(a)) for ammonia (NH₃) for the Chena Power Plant, Doyon-Fort Wainwright Central Heating and Power Plant, University of Alaska Fairbanks Campus Power Plant, Zehnder Power Plant, and North Pole Power Plant. Partial approval of Alaska's PM_{2.5} and NH₃ BACT determinations for the Doyon-Fort Wainwright Central Heating and Power Plant; PM_{2.5} and NH₃ BACT determination for the University of Alaska Fairbanks Campus Power Plant, except for the three small diesel fired engines (EUs 23, 26, and 27); PM_{2.5} and NH₃ BACT determinations for the Zehnder Power Plant; PM_{2.5} and NH₃ BACT determinations for the North Pole Power Plant. Disapproval of the control strategy BACM and BACT requirements (CAA section 189(b)(1)(B) ⁸ and 40 CFR 51.1010(a)) for PM_{2.5} and sulfur dioxide (SO₂) emissions for the Doyon-Fort Wainwright Central Heating and Power Plant, University of Alaska Fairbanks Campus Power Plant, Zehnder Power Plant, and North Pole Power Plant.	Approval of the control strategy BACM and BACT requirements (CAA section 189(b)(1)(B) ⁹ and 40 CFR 51.1010(a)) for the following emissions source categories: (1) Requirements for wood sellers; (2) Coal-fired heating devices; (3) Coffee roasters; (4) Energy efficiency and weatherization measures; (5) Mobile source category. Approval of the control strategy BACM and BACT requirements (CAA section 189(b)(1)(B) ¹⁰ and 40 CFR 51.1010(a)) for PM_{2.5} for the Doyon-Fort Wainwright Central Heating and Power Plant, University of Alaska Fairbanks Campus Power Plant, Zehnder Power Plant, and North Pole Power Plant

TABLE 1—SUMMARY OF THE EPA'S ACTIONS ON NONATTAINMENT PLAN REQUIREMENTS, 2023 FINAL RULE AND 2025 FINAL RULE—Continued

Description of CAA planning requirement	2023 Final Rule	2025 Final Rule
Additional measures (beyond those already adopted in previous nonattainment plan SIP submissions for the area as RACM/RACT, BACM/BACT, and Most Stringent Measures (MSM) ¹¹ (if applicable)) that provide for attainment of the NAAQS as expeditiously as practicable and, from the date of such submission until attainment, demonstrate that the plan will at a minimum achieve an annual five percent reduction in emissions of direct PM _{2.5} or any PM _{2.5} plan precursor, (CAA section 189(d); ¹² 40 CFR 51.1010(c)).	Disapproval	Approval.
Attainment demonstration and modeling, (CAA sections 188(c)(2) and 189(b)(1)(A); ¹³ 40 CFR 51.1003(c) and 51.1011).	Disapproval of demonstration of attainment by December 31, 2024.	Approval of attainment demonstration and extension of Serious area attainment date to December 31, 2027.
Reasonable further progress (RFP) provisions, (CAA section 172(c)(2); ¹⁴ 40 CFR 51.1012).	Disapproval	Approval.
Quantitative milestones, (CAA section 189(c); ¹⁵ 40 CFR 51.1013).	Disapproval	Approval.
Motor vehicle emission budgets, (CAA section 176, 40 CFR 51.1003(d) and 93.118).	Disapproval	Approval.
Contingency measures applicable to Serious areas subject to CAA section 189(b), (CAA section 172(c)(9); ¹⁶ 40 CFR 51.1014).	Disapproval of the submitted contingency measures under CAA section 172(c)(9) ¹⁷ and 40 CFR 51.1014 applicable to Serious areas subject to CAA sections 189(b) and 189(d). The EPA finalized a limited disapproval of the Fairbanks 189(d) Plan contingency measure because the contingency measure did not fully meet the contingency measure requirements of CAA section 172(c)(9) and 40 CFR 51.1014 but otherwise strengthened the SIP. ¹⁸	Approval of the contingency measures as meeting the requirements under CAA section 172(c)(9) ¹⁹ and 40 CFR 51.1014 applicable to Serious areas subject to CAA sections 189(b) and 189(d).
Contingency measures applicable to Serious areas subject to CAA section 189(d), (CAA section 172(c)(9); 40 CFR 51.1014).		
Nonattainment new source review provisions, (CAA sections 172(c)(5), 189(b)(3), 189(d), and 189(e), and 40 CFR 51.165, 40 CFR 51.1003(b)(1)(viii), and 40 CFR 51.1003(c)(1)(viii) ²⁰ .	Approval	Not applicable (already approved).

II. Public Comments and EPA Responses

The EPA initially provided a 30-day period for the public to comment on the

³ 42 U.S.C. 7513b(e).

⁴ 42 U.S.C. 7513a(b)(1)(B).

⁵ 42 U.S.C. 7513a(b)(1)(B).

⁶ *Id.*

⁷ 42 U.S.C. 7513a(b)(1)(B).

⁸ 42 U.S.C. 7513a(b)(1)(B).

⁹ 42 U.S.C. 7513a(b)(1)(B).

¹⁰ 42 U.S.C. 7513a(b)(1)(B).

¹¹ MSM is applicable if the EPA has previously granted an extension of the attainment date under CAA section 188(e) for the nonattainment area and NAAQS at issue. The EPA denied Alaska's request to extend the Serious area attainment date for the Fairbanks PM_{2.5} Nonattainment Area.

¹² 42 U.S.C. 7513a(d).

¹³ 42 U.S.C. 7513(c)(2) and 7513a(b)(1)(A).

¹⁴ 42 U.S.C. 7502(c)(2).

¹⁵ 42 U.S.C. 7513a(c).

¹⁶ 42 U.S.C. 7502(c)(9).

¹⁷ 42 U.S.C. 7502(c)(9).

¹⁸ The EPA finalized a limited approval of the Fairbanks Emergency Episode Plan, State Air Quality Control Plan, Vol. II, section III.D.7.12, as SIP-strengthening on September 24, 2021. 86 FR 52997, September 24, 2021, at pp. 52997, 53004.

¹⁹ 42 U.S.C. 7502(c)(9).

proposed action that ended on February 7, 2025. Based on public interest in the energy efficiency and weatherization measures in the Alaska SIP submission, the EPA re-opened the comment period for an additional 30 days from March 24, 2025, to April 23, 2025. Overall, 375 public comments were submitted in the docket. The following is a summary, organized by CAA requirement, of the Proposal, our final action, and the comments received and the EPA's responses. We have included in the docket a detailed "Response to Comments" document that provides a summary of public comments and the EPA's responses.²¹ The full text of all public comments may also be found in the docket for this action.

²⁰ 42 U.S.C. 7502(c)(5), 7513a(b)(3), 7513a(d), and 7513a(e).

²¹ Response to Comments on the Air Plan Partial Approval and Partial Disapproval; AK, Fairbanks North Star Borough; 2006 24-hour PM_{2.5} Serious Area and 189(d) Plan, EPA-R10-OAR-2024-0595.

A. Emissions Inventory

1. Summary of Proposal

The EPA proposed to approve the 2020 base year emissions inventory as meeting the requirements of CAA section 172(c)(3) and 40 CFR 51.1008. The EPA proposed to determine that Alaska had justified that 2020 is a technically appropriate inventory year consistent with 40 CFR 51.1008(c)(1). The base year emissions inventory included actual emissions of all sources within the nonattainment area. The EPA proposed to determine that a seasonal episode daily average inventory is appropriate for the Fairbanks PM_{2.5} Nonattainment Area because the area experiences episodic elevated concentrations of PM_{2.5} during wintertime cold weather events. The emissions inventory included direct PM_{2.5} emissions, separately reported as filterable and condensable emissions, as well as all scientific PM_{2.5} precursors (SO₂, NO_x, VOC, and NH₃). Alaska reported emissions for point sources according to the point source emissions

thresholds of the Air Emissions Reporting Rule in 40 CFR part 51, subpart A. Finally, the EPA proposed to determine that the emissions inventory is consistent with the detail and data elements required by 40 CFR part 51, subpart A.

The EPA proposed to approve the 2027 projected attainment emissions inventory as meeting the requirements of CAA section 172(c)(3) and 40 CFR 51.1008. The EPA proposed to determine that 2027 is the most expeditious year for which projected emissions show modeled PM_{2.5} concentrations below the level of the NAAQS. As discussed in section II.D of the proposed rule (January 8, 2025 (90 FR 1600)), Alaska included a model output for 2026 that resulted in emissions levels exceeding the 2006 24-hour PM_{2.5} NAAQS. The attainment projected inventory included the sources in the base year emissions inventory and accounts for growth and contraction from both controls and other causes. Consistent with the base year emissions inventory, the attainment projected emissions inventory is based on episode average daily emissions. The attainment projected emissions inventory included direct PM_{2.5} emissions, separately reported as filterable and condensable emissions, as well as all scientific precursors. The attainment projected emissions inventory included the same level of emissions detail for the same point sources and for mobile sources reported in the base year emissions inventory.

2. Final Rule

The EPA is finalizing approval of the base year emission inventory and the projected attainment year emission inventory.

3. Comments and Responses

One commenter stated that the Fairbanks Revised 189(d) Plan was not clear in how it determined the “episode days” for the purposes of the emissions inventories. The EPA disagrees with this comment. All of the data upon which Alaska relied to determine the emissions inventories, including the episode days, is included in the Fairbanks Revised 189(d) Plan.²² The EPA’s technical assessment of Alaska’s emission inventories including the State’s selection of appropriate episode days is also included in the docket.²³

²² State Air Quality Control Plan, Vol. III, Appendix III.D.7.6.

²³ Kotchenruther, Robert. (November 21, 2024). Technical support document for Alaska Department of Environmental Conservation’s amendments to: State Air Quality Control Plan, Emission Inventory Data (version August 19, 2024). U.S. Environmental

This latter document summarizes and explains the data underlying Alaska’s 74-day modeling episode from 2019–2020 and how the episode days were selected. Please see the EPA’s Response to Comments document for a full summary of the comments and the EPA’s full responses.²⁴

B. Pollutants Addressed

1. Summary of Proposal

The EPA proposed to determine that Alaska’s submission meets the requirements of 40 CFR 51.1006(a)(2) and is consistent with the EPA guidance concerning the identification of PM_{2.5} precursors that the State must regulate in the nonattainment area.²⁵ Regarding the State’s analytical approach, the EPA proposed to find that the State used appropriate methods and data to evaluate PM_{2.5} formation from precursor emissions in the Fairbanks PM_{2.5} Nonattainment Area. Consistent with 40 CFR 51.1006(a)(2), Alaska’s submission included a concentration-based contribution analysis. The concentration-based analysis indicates that the SO₂ emissions from existing major stationary sources do not significantly contribute to PM_{2.5} formation in the Fairbanks PM_{2.5} Nonattainment Area. Specifically, Alaska’s analysis showed that SO₂ emissions from existing major stationary sources contribute 0.21 µg/m³ of PM_{2.5} at the North Pole Hurst Road air quality monitor—far below the 1.5 µg/m³ threshold included in the EPA guidance. Therefore, the EPA proposed to approve Alaska’s precursor demonstration submitted as part of the Fairbanks Revised 189(d) Plan as demonstrating that the contribution of SO₂ emissions from existing major stationary sources to PM_{2.5} levels in the Fairbanks PM_{2.5} Nonattainment Area is not significant in accordance with 40 CFR 51.1006(a)(2)(i). With final approval, Alaska will not be required to control SO₂ emissions from existing major stationary sources in the Fairbanks PM_{2.5} Nonattainment Area, pursuant to CAA section 189 and 40 CFR 51.1010. For purposes of the Fairbanks Revised 189(d) Plan, the applicable PM_{2.5} plan precursors are

Protection Agency, Region 10, Laboratory Services and Applied Science Division, EPA–R10–OAR–2024–0595.

²⁴ Response to Comments, section 4.b.

²⁵ “PM_{2.5} Precursor Demonstration Guidance,” EPA–454/R–19–004, May 2019, including Memo dated May 30, 2019, from Scott Mathias, Acting Director, Air Quality Policy Division and Richard Wayland, Director, Air Quality Assessment Division, Office of Air Quality Planning and Standards (OAQPS), EPA to Regional Air Division Directors, Regions 1–10, EPA.

NH₃ for all sources and SO₂ for all sources except for existing major stationary sources.

We note that the EPA’s approval of Alaska’s precursor demonstration does not extend to nonattainment NSR requirements for the area. Alaska previously determined that it was appropriate to regulate NO_x, SO₂, VOCs, and NH₃ as precursors to PM_{2.5} with respect to nonattainment NSR and submitted rule changes to that effect on October 25, 2018. The EPA approved the submitted revised program as meeting nonattainment NSR requirements triggered upon reclassification of the Fairbanks PM_{2.5} Nonattainment Area to Serious (84 FR 45419, August 29, 2019). The EPA approved the Alaska SIP as meeting nonattainment NSR requirements for purposes of CAA section 189(d) on December 5, 2023 (88 FR 84629).

2. Final Rule

The EPA is finalizing approval of Alaska’s SO₂ precursor demonstration for existing major stationary sources. Accordingly, the EPA is concluding that the State is not required to impose additional controls on SO₂ emissions on such sources for purposes of the 2006 24-hour PM_{2.5} NAAQS in the Fairbanks PM_{2.5} Nonattainment Area.

3. Comments and Responses

The EPA received adverse comments generally questioning the prudence of the EPA approving the SO₂ precursor demonstration. Overall, the comments do not provide a technical basis that contradicts the EPA’s determination that Alaska’s existing major stationary source SO₂ precursor demonstration meets the requirements of 40 CFR 51.1006. Please see the EPA’s Response to Comments document for a full summary of the comments and the EPA’s full responses.²⁶

C. Control Strategy

1. Solid Fuel Burning

a. Summary of Proposal

Alaska revised the dry wood seller measure, adopted as regulation 18 AAC 50.076(k)(3), by setting a frequency at monthly intervals to measure the moisture content. Alaska also revised regulation 18 AAC 50.076(k)(1) by improving the labeling to indicate “dry wood.”

Regarding the EPA’s disapproval of coal-fired heating device requirements, Alaska revised 18 AAC 50.079 by lowering the emissions threshold to test out of the mandatory removal

²⁶ The EPA’s Response to Comments, section 4.D.

requirements in 18 AAC 50.079(d) from 18 grams per hour to 0.10 pounds per million British thermal units (lbs/MMBtu), which is equivalent to the pellet hydronic heater limit in 18 AAC 50.077. Alaska amended 18 AAC 50.079(d) to require a testing protocol be approved by the department prior to any test attempting to exempt a coal device from the mandatory removal requirement. Alaska revised 18 AAC 50.079(e) to limit the duration of the waiver to one calendar year.

The EPA previously approved 18 AAC 50.079(f), which requires the owner of a coal-fired heating device to render it inoperable no later than December 31, 2024. As a consequence of Alaska's revisions to 18 AAC 50.079(f), the latest an individual with a coal-fired heating device could remove that device is December 31, 2025—provided the individual meets the limited extension eligibility requirements in 18 AAC 50.079(e). Alaska stated that 18 AAC 50.079(f) is revised for clarity by adding section (3), which requires coal-fired heating devices to be rendered inoperable after the expiration of a waiver granted under subsection (e) of 18 AAC 50.079. Alaska stated that newly adopted section 18 AAC 50.079(h) requires documentation on the removal and rendering of the device inoperable and submitting an affidavit that the coal stove will not be reinstalled in the Fairbanks PM_{2.5} Nonattainment Area.

Based on these updates, the EPA proposed to approve the submitted revisions to 18 AAC 50.076 and 18 AAC 50.079 as meeting the requirements of CAA sections 110(a)(2)(A), 172(c)(7), and 189(b) and 40 CFR 51.1010(a). Accordingly, the EPA proposed to determine that the Fairbanks Revised 189(d) Plan rectifies the disapproved portions of the Fairbanks Serious Plan and initial Fairbanks 189(d) Plan for the solid fuel-burning source category.

b. Final Rule

The EPA did not receive any comments on the BACM requirements for solid fuel burning emission sources included in the Fairbanks Revised 189(d) Plan and is finalizing approval of the Fairbanks revised 189(d) Plan as meeting the BACM requirements for solid fuel burning emission sources.

2. Small Commercial Area Sources

a. Summary of Proposal

Alaska revised its regulations for coffee roasters, under 18 AAC 50.078(d). These updated regulations include specific emission limits for coffee roasters and ensures the emission limit

is enforceable as a practical matter. The EPA proposed to approve the submitted revisions to 18 AAC 50.078(d) as meeting the requirements of CAA sections 110(a)(2), 172(c)(7), and 189(b) and 40 CFR 51.1010(a) for this source category. Accordingly, the EPA proposed to determine that the Fairbanks Revised 189(d) Plan rectifies the disapproved portions of the Fairbanks Serious Plan and initial Fairbanks 189(d) Plan for coffee roasters.

3. Energy Efficiency and Weatherization Measures

a. Summary of Proposal

To address the EPA's disapproval, Alaska adopted an energy efficiency and weatherization measure at 18 AAC 50.081. The measure mandates that a building owner complete an energy rating on the building before listing it for sale. The rule requires that the seller provide the energy rating report to the buyer. The rule also requires the homeowner to register wood-fired heating devices with the State and remove any wood-fired or coal-fired heating devices that do not comply with State emissions standards (codified at 18 AAC 50.077 and 18 AAC 50.079). Finally, Alaska's rule requires that the agent involved in the home sale transaction must inform the seller and/or buyer of these obligation and, during the transaction, ensure the seller and/or buyer has complied with the requirements to render inoperable older solid-fuel heating devices under State rules 18 AAC 50.077(h) and (l)–(n) and 18 AAC 50.079(b) and (f)–(h).

Alaska also committed to a robust advertising and education program that includes best practices to improve efficiency in an arctic environment and available economic and practical mechanisms that can assist homeowners in improving both efficiency and regulatory compliance.

The EPA proposed to approve the submitted revisions to 18 AAC 50.081 as meeting the requirements of CAA sections 110(a)(2), 172(c)(7), and 189(b) and 40 CFR 51.1010(a) with respect to energy efficiency and weatherization. Accordingly, the EPA proposed to determine that the Fairbanks Revised 189(d) Plan rectifies the disapproved portions of the Fairbanks Serious Plan and initial Fairbanks 189(d) Plan for lack of energy efficiency and weatherization measures.

After reviewing the comments received on the EPA's proposal, Alaska reevaluated the feasibility of the energy rating requirements and determined that they were not technologically or

economically feasible. Alaska withdrew 18 AAC 50.081 on September 25, 2025.

Alaska retained its commitments to a robust advertising and education program that includes best practices to improve efficiency in an arctic environment and available economic and practical mechanisms that can assist homeowners in improving both efficiency and regulatory compliance.

b. Final Rule

The EPA is finalizing approval of the Fairbanks Revised 189(d) Plan as meeting the BACM requirements for energy efficiency and weatherization measures.

c. Comments and Responses

The EPA received several comments expressing concern about Alaska's adoption of 18 AAC 50.081. The comments expressed concern about the cost of conducting the energy rating, potential delays to completing home sales, and restrictions on a person's right to sell and buy property. Several commenters also identified ways they asserted that the State could improve the regulations to account for a variety of circumstances, such as selling a dry recreational cabin or a top-rated energy efficient home or re-selling a home that recently received an energy rating. Other commenters were supportive of the energy audit requirement.

These comments, as well as information provided by Alaska, demonstrate that an energy rating requirement as contemplated by 18 AAC 50.081 is technologically and economically infeasible. Notably, there are insufficient energy raters available in the area. Becoming a certified energy rater is a lengthy process. In addition, Alaska is not relying on the energy rating component of 18 AAC 50.081 for any emission reductions. The regulation does not mandate implementation of any of the energy efficiency recommendations from the energy rating. Hence, the emission reduction measures are not enforceable. However, the energy rating could cost as much as \$1,373.²⁷ Thus, the measure is not cost effective. Accordingly, the EPA has determined that the energy rating requirement is not necessary to satisfy the control strategy requirements for serious areas or serious areas that fail to attain, under CAA sections 189(b) and (d) and 40 CFR 51.1010. The remaining portions of 18 AAC 50.081 were not necessary to address the EPA's December 5, 2023, partial disapproval

²⁷ "How Much Does it Cost to Audit Home Energy in Fairbanks?," available at: <https://www.homeyou.com/ak/home-energy-audit-fairbanks-costs>.

and are derivative of SIP-approved rules at 18 AAC 50.077 and 079. These rules already restrict the sale and transfer of solid fuel burning devices. See the EPA's Response to Comments document for a full summary of these comments and the EPA's detailed responses.²⁸

4. Emissions From Mobile Sources

a. Summary of Proposal

The EPA proposed to determine that Alaska has rectified the EPA's December 5, 2023, disapproval of the Fairbanks Serious Plan and initial Fairbanks 189(d) Plan with respect to control strategy requirements for mobile sources. In the December 5, 2023, final rule, the EPA approved Alaska's rejection of several mobile source control measures designed to reduce on-road vehicle emissions as either technologically or economically infeasible (e.g., high-occupancy vehicle lanes, improved signalization, and van pools).

However, the EPA rejected Alaska's infeasibility determinations for vehicle anti-idling measures as inadequate. In the Fairbanks Revised 189(d) Plan, Alaska improved its infeasibility justifications. Therefore, based on Alaska's determination that any additional vehicle anti-idling restrictions are technologically or economically infeasible for the Fairbanks PM_{2.5} Nonattainment Area for purposes of the 2006 24-hour PM_{2.5} NAAQS, the EPA proposed to approve the Fairbanks Revised 189(d) Plan as meeting the control strategy requirements for mobile sources.

The EPA proposed to determine that the separate, previously adopted anti-idling control measure in the Fairbanks Moderate Area Plan also satisfied the Serious area BACM requirement. Specifically, the Fairbanks Moderate Area Plan includes a requirement that businesses with 275 or more parking spaces provide power to electrical outlets at temperatures of 20 degrees Fahrenheit or lower for engine block heaters.²⁹ In addition, Alaska continues to install new (vehicle preheating) plug-ins throughout the Fairbanks PM_{2.5} Nonattainment Area.³⁰

b. Final Rule

The EPA is finalizing approval of the Fairbanks Revised 189(d) Plan as meeting the BACM requirements for motor vehicle emissions.

c. Comments and Responses

The EPA received comments regarding the perceived role of motor vehicle emissions contributing to total PM_{2.5} concentrations in the Fairbanks PM_{2.5} Nonattainment Area. Importantly, none of the comments provided a detailed explanation of their disagreement with Alaska's infeasibility demonstrations with respect to vehicle idling nor suggested additional mobile source control measures that the State should have evaluated.

While the EPA acknowledges that motor vehicle emissions are identified as a significant emission source category requiring a BACM evaluation of emission controls, we disagree with comments stating generally that emissions from motor vehicles are a primary cause of PM_{2.5} pollution in the area. We note that mobile sources account for an estimated 6% of total PM_{2.5} levels in the Fairbanks PM_{2.5} Nonattainment Area, and the State has established adequate PM_{2.5} motor vehicle emissions budgets for transportation conformity purposes (see section II.H of this preamble).³¹ Please see the EPA's Response to Comments document for a summary of these comments and the EPA's responses.³²

5. Alaska's Identification and Adoption of BACT

For a description of each of the major stationary sources in the Fairbanks PM_{2.5} Nonattainment Area, see the EPA's Proposal, section II.C.2.b.

a. Chena Power Plant

i. Summary of Proposal

Alaska revised its State Air Quality Control Plan to include its BACT determinations for PM_{2.5} and SO₂ emissions for each of the emission units at the Chena Power Plant.³³ Alaska removed its BACT evaluation and determinations for NO_x emissions because the EPA approved a comprehensive NO_x emissions precursor demonstration. Alaska also submitted conditions from Air Quality Control Minor Permit AQ0315MSS02 Revision 1 for the Aurora Energy, LLC—

Chena Power Plant (Aurora Permit). The Aurora Permit conditions include enforceable PM_{2.5} BACT emissions limitations for the emission units at the Chena Power Plant comprised of numerical emissions limits and work practice standards and associated monitoring, recordkeeping and reporting requirements. The permits are included in the docket for this action.³⁴

The EPA previously reviewed Alaska's BACM/BACT evaluation for the Chena Power Plant.³⁵ Alaska has since clarified that PM_{2.5} BACT for the coal-fired boilers is operating and maintaining fabric filters (full steam baghouse) during operation.³⁶ Thus, the EPA proposed to approve Alaska's PM_{2.5} BACT determinations for the Chena Power Plant, the submitted revisions to State Air Quality Control Plan, Vol. III, Appendix III.D.7.7, related to direct PM_{2.5} emissions, and the submitted Aurora Permit conditions³⁷ as satisfying CAA section 189(b) and 40 CFR 51.1010.

The EPA did not propose action on Alaska's SO₂ BACT determinations in State Air Quality Control Plan, Vol. III, Appendix III.D.7.7. The EPA proposed to approve Alaska's SO₂ precursor demonstration for existing major stationary sources. Upon final approval, Alaska will not be required to identify, adopt, or implement SO₂ BACT for the Chena Power Plant.

ii. Final Rule

The EPA did not receive comments on PM_{2.5} BACT for the Chena Power Plant and is finalizing approval of BACT for PM_{2.5} emissions at the Chena Power Plant. Based on the EPA's approval of the SO₂ and NO_x precursor demonstrations, SO₂ and NO_x emission controls are not required for this facility as part of the Fairbanks Revised 189(d) Plan.

b. Fort Wainwright

i. Summary of Proposal

As part of the Fairbanks Revised 189(d) Plan, Alaska revised its Air Quality Control Plan sections related to the Doyon-Fort Wainwright Central Heating and Power Plant (CHPP) to

³⁴ See State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–187.

³⁵ See Hedgpeth and Sorrels. (August 24, 2022). *Review of Best Available Control Technology analyses submitted for the Aurora Energy, LLC Chena Power Plant as part of the Fairbanks PM_{2.5} Nonattainment SIP*. U.S. Environmental Protection Agency, Region 10, Laboratory Services and Applied Science Division, EPA–R10–OAR–2022–0115.

³⁶ See State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–173.

³⁷ See section III.A of this preamble for the specific permit conditions proposed for approval.

²⁸ The EPA's Response to Comments, section 3.

²⁹ 82 FR 42457, September 8, 2017; State Air Quality Control Plan, Vol. III, Appendix III.D.5.7, adopted December 24, 2014, at p. 43; State Air Quality Control Plan, Vol. III, Appendix III.D.5.12, adopted December 24, 2014, at p. 43.

³⁰ There are nearly 10,000 plug-ins available in the nonattainment area. See State Air Quality Control Plan, Appendix III.D.7.7–17 (adopted November 19, 2019).

³¹ See State Air Quality Control Plan, Vol. II, section III.D.7.6.9.8.

³² The EPA's Response to Comments, section 4.E.

³³ See State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–164. Note, Alaska's prior SIP submissions only evaluated BACT for the coal-fired boilers.

reflect new engines powering lift pumps and generators, correct typographical errors, improve clarity, and to include updated SO₂ BACT determinations.³⁸ With respect to the new engines, all are EPA-certified engines ranging in size from 74 horsepower to 324 horsepower. Alaska updated its PM_{2.5} BACT determinations for these new engines. Alaska removed its BACT evaluation and determinations for NO_x emissions because the EPA approved a comprehensive NO_x precursor demonstration.

Alaska also submitted conditions from two Air Quality Control Minor Permits: AQ0236MSS03 Revision 2 (U.S. Army Garrison—USAG Alaska Fort Wainwright) and AQ1121MSS04 Revision 1 (Doyon Utilities, LLC—Fort Wainwright) (collectively referred to as the Fort Wainwright Permits). The Fort Wainwright Permits include enforceable PM_{2.5} BACT emissions limitations for the emission units at Fort Wainwright comprised of numerical emissions limits and work practice standards and associated monitoring, recordkeeping and reporting requirements. The permits are included in the docket for this action.³⁹

The EPA previously reviewed Alaska's BACM/BACT evaluation for the Doyon-Fort Wainwright Central Heating and Power Plant.⁴⁰ Alaska's updated BACT determination clarified the maintenance and testing requirements for the diesel-fired boilers and added enclosed conveying system requirements.⁴¹ The EPA previously approved Alaska's BACT determinations for older pump engines and generator engines. Alaska updated its BACT determinations and associated permit limits to reflect grams per hour emission limits appropriate to the size and model year of the engine. Alaska also imposed limits on the hours of operations of these engines. Thus, the EPA proposed to approve Alaska's updated PM_{2.5} BACT determinations for the emissions units at Doyon-Fort Wainwright CHPP,⁴² the submitted

revisions to State Air Quality Control Plan, Vol. III, Appendix III.D.7.7 related to direct PM_{2.5} emissions from the Doyon-Fort Wainwright CHPP,⁴³ and the submitted conditions from the Fort Wainwright Permits⁴⁴ as satisfying CAA section 189(b) and 40 CFR 51.1010.

The EPA did not propose action on Alaska's SO₂ BACT determinations in State Air Quality Control Plan, Vol. III, Appendix III.D.7.7 for the same reasons discussed in the preceding paragraphs regarding the Chena Power Plant.

ii. Final Rule

The EPA did not receive comments on PM_{2.5} BACT for Fort Wainwright and is finalizing approval of BACT for PM_{2.5} emissions at Fort Wainwright. Based on precursor demonstrations, SO₂ and NO_x emission controls are not required for this facility as part of the Fairbanks Revised 189(d) Plan.

c. University of Alaska Fairbanks Campus Power Plant

i. Summary of Proposal

In the Fairbanks Revised 189(d) Plan, Alaska updated its Air Quality Control Plan regarding the Fairbanks Campus Power Plant to reflect permanently removed emission units, add new diesel boilers and engines, update the PM_{2.5} BACT determinations for small diesel-fired boilers and large and small engines, correct typographical errors, and improve clarity.⁴⁵ Alaska also added updated SO₂ BACT determinations for the Fairbanks Campus Power Plant.

With respect to the small diesel-fired boilers (EUs 17 through 22), Alaska updated its BACT determination for PM_{2.5} emissions that includes a partial limit on hours of operation, an emission limit of 0.016 lb/MMBtu,⁴⁶ compliance with 40 CFR part 63, subpart JJJJJJ, and work practice standards. Alaska evaluated whether installation of a scrubber was feasible for these boilers and determined that it was economically infeasible.⁴⁷ Alaska noted that taking into consideration the enforceable limit on operation, the

combined potential to emit PM_{2.5} emissions from the six boilers is two tons per year.

With respect to large diesel fired engines (EUs 8 and 35) and small diesel fired engines (EUs 24, 26, 27, 29, and 34),⁴⁸ Alaska reevaluated the feasibility of add-on PM_{2.5} controls, namely a diesel particulate filter (DPF).⁴⁹ EUs 24, 29, and 34 are limited to 100 hours per year of non-emergency operation, so additional BACT controls were not evaluated for these units. Alaska determined that a DPF is not technologically feasible for EU 8 due to an unacceptable increase in back pressure. Alaska determined that DPFs were technologically feasible for the other engines, but Alaska determined that the high cost per unit of emissions reductions rendered them economically infeasible. Updating the cost-effectiveness analysis to reflect comments from the EPA's Technical Support Document,⁵⁰ Alaska determined that the cost-effectiveness ranged from over \$17,000 at EU 26 to over \$20,000 per ton of PM_{2.5} reduced at EU 27. Alaska stated that EU 35 has potential PM_{2.5} emissions of 0.03 tons per year, which is an order of magnitude lower than the two other diesel engines, EUs 26 and 27. Therefore, Alaska did not perform a cost analysis for installing and operating a DPF on EU 35 as it would have an even higher cost per ton estimate than EUs 26 and 27. Furthermore, Alaska noted that EU 35 is limited to 100 hours per calendar year of non-emergency operation and required to combust ULSD under the existing Federal NSPS Subpart IIII requirements.⁵¹

Alaska removed its BACT evaluation and determinations for NO_x emissions because the EPA approved a comprehensive NO_x precursor demonstration.⁵²

Alaska also submitted conditions from Air Quality Control Minor Permit

³⁸ See State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–202.

³⁹ See State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–248.

⁴⁰ See Hedgpeth, Z. (August 24, 2022). *Review of Best Available Control Technology analyses submitted for Fort Wainwright-US Army Garrison Alaska (FWA) and Doyon Utilities, LLC (DU) as part of the Fairbanks PM_{2.5} Nonattainment SIP*. U.S. Environmental Protection Agency, Region 10, Laboratory Services and Applied Science Division, EPA-R10-OAR-2022-0115.

⁴¹ See State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–217; State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–225.

⁴² Industrial coal-fired boilers; diesel-fired boilers; diesel-fired engines, fire pumps, and generators; and material handling equipment.

⁴³ The EPA is not proposing to approve the NO_x-related emissions limits as meeting BACT for NO_x. For some emission units, Alaska imposed NO_x emissions limits as surrogates for direct PM_{2.5} emissions.

⁴⁴ See section III.A of this preamble for the specific permit conditions proposed to be approved.

⁴⁵ See State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–356.

⁴⁶ Alaska noted that it previously selected a 0.012 lb/MMBtu limit erroneously. This limit is associated with industrial boilers while the boilers at the Fairbanks Campus Power Plant are commercial boilers.

⁴⁷ State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–369.

⁴⁸ In comments, the University of Alaska Fairbanks clarified that EU 23 has been permanently removed from service and are no longer permitted EUs at the facility. See Comments on Proposed Rule—Air Plan Partial Approval and Partial Disapproval; AK, Fairbanks North Star Borough; 2006 24-Hour PM_{2.5} Serious Area and 189(d) Plan, at p. 9, Docket ID No. EPA-R10-OAR-2022-0115.

⁴⁹ State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–372.

⁵⁰ See Hedgpeth and Sorrels. (August 24, 2022). *Review of Best Available Control Technology analyses submitted for the University of Alaska, Fairbanks as part of the Fairbanks PM_{2.5} Nonattainment SIP*, p.15. U.S. Environmental Protection Agency, Region 10, Laboratory Services and Applied Science Division, EPA-R10-OAR-2022-0115.

⁵¹ State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–374.

⁵² 88 FR 84626, December 5, 2023.

AQ0316MSS08 Revision 1 (University of Alaska Fairbanks (UAF)—University of Alaska Fairbanks Campus) (UAF Permit). The UAF Permit conditions include enforceable PM_{2.5} BACT emissions limitations comprised of numerical emissions limits and work practice standards with associated monitoring, recordkeeping, and reporting. The permits are included in the docket for this action.⁵³

The EPA previously reviewed Alaska's BACT evaluation for the Fairbanks Campus Power Plant.⁵⁴ The EPA proposed to approve Alaska's updated PM_{2.5} BACT determinations for the small diesel-fired boilers (EUs 17 through 22), large diesel-fired engines (EUs 8 and 35), and small diesel-fired engines (EUs 24, 26, 27, 29, and 34) at the Fairbanks Campus Power Plant. The EPA previously approved Alaska's PM_{2.5} BACT determinations for EUs 8, 17–19, 24, and 29. Alaska's updates are consistent with these past approvals. With respect to EUs 26, 27, and 35, the EPA proposed to approve Alaska's economic infeasibility demonstrations for DPFs. The EPA proposed to approve Alaska's PM_{2.5} BACT emissions limits for small diesel-fired boilers (EUs 17 through 22), large diesel-fired engines (EUs 8 and 35), and small diesel-fired engines (EUs 24, 26, 27, 29, and 34) at the Fairbanks Campus Power Plant, which consist of numerical emissions limits, limits on operation, fuel requirements, and work practice standards.

Therefore, the EPA proposed to approve the submitted revisions to State Air Quality Control Plan, Vol. III, Appendix III.D.7.7 related to direct PM_{2.5} emissions and NO_x emissions⁵⁵ from the Fairbanks Campus Power Plant and the submitted conditions from the UAF Permit⁵⁶ as satisfying CAA section 189(b) and 40 CFR 51.1010.

The EPA did not propose action on Alaska's SO₂ BACT determinations in State Air Quality Control Plan, Vol. III, Appendix III.D.7.7 for the same reasons discussed in the preceding paragraphs regarding the Chena Power Plant.

ii. Final Rule

The EPA did not receive comments on PM_{2.5} BACT for the University of Alaska Campus Power Plant and is finalizing approval of BACT for PM_{2.5} emissions at the University of Alaska Campus Power Plant. Based on precursor demonstrations, SO₂ and NO_x emission controls are not required for this facility as part of the Fairbanks Revised 189(d) Plan.

d. Zehnder Facility

i. Summary of Proposal

In the Fairbanks Revised 189(d) Plan, Alaska revised its Air Quality Control Plan for the Zehnder Facility to correct errors and improve clarity.⁵⁷ Alaska also submitted conditions from Air Quality Control Minor Permit AQ0109MSS01 Revision 1 (Golden Valley Electric Association—Zehnder Facility) (Zehnder Permit). The Zehnder Permit contains enforceable PM_{2.5} BACT emissions limitations for the emission units at the Zehnder Facility comprised of numerical emissions limits and work practice standards with associated monitoring, recordkeeping, and reporting. The permits are included in the docket for this action.⁵⁸

Similar to the small diesel-fired boilers (EUs 17 through 22) at the Fairbanks Campus Power Plant discussed in the preceding paragraphs of section II.C of this preamble, Alaska imposed, in the Fairbanks Serious Plan and Fairbanks 189(d) Plan, an erroneous emissions limit on the small diesel fired boilers at the Zehnder Facility. The revised Air Quality Control Plan and associated conditions in the Zehnder Permit reflect the corrected limit.⁵⁹

The EPA previously reviewed Alaska's BACT evaluation for the Zehnder Facility.⁶⁰ In EPA's prior analysis, the EPA agreed with Alaska's BACT determinations for PM_{2.5}. For the turbines, no technologically feasible add-on control options exist to reduce PM_{2.5} emissions. For the emergency generators, the EPA agreed that the limits on annual hours of operation of 100 hours per year or less will result in add-on control equipment such as a DPF

being cost prohibitive. Further, the EPA stated that similar to the turbines, no technologically feasible add-on control options exist to reduce PM_{2.5} emissions from the small diesel and propane fired boilers.⁶¹

Thus, the EPA proposed to approve the submitted revisions to State Air Quality Control Plan, Vol. III, Appendix III.D.7.7 related to direct PM_{2.5} emissions and NO_x⁶² emissions from Zehnder and the submitted Zehnder Permit conditions as satisfying CAA section 189(b) and 40 CFR 51.1010.

The EPA did not propose action on Alaska's SO₂ BACT determinations in State Air Quality Control Plan, Vol. III, Appendix III.D.7.7 for the same reasons discussed in the preceding paragraphs regarding the Chena Power Plant.

ii. Final Rule

The EPA did not receive comments on PM_{2.5} BACT for the Zehnder facility Campus Power Plant and is finalizing approval of BACT for PM_{2.5} emissions at the Zehnder facility. Based on precursor demonstrations, SO₂ and NO_x emission controls are not required for this facility as part of the Fairbanks Revised 189(d) Plan.

e. North Pole Power Plant

i. Summary of Proposal

In the Fairbanks Revised 189(d) Plan, Alaska revised its Air Quality Control Plan for the North Pole Power Plant to correct errors and improve clarity.⁶³ Alaska also submitted conditions from Air Quality Control Minor Permit AQ0110MSS01 Revision 1 (Golden Valley Electric Association—North Pole Power Plant) (NPPP Permit). The NPPP Permit conditions include enforceable PM_{2.5} BACT emissions limitations for the emission units at the North Pole Power Plant comprised of numerical emissions limits and work practice standards with associated monitoring, recordkeeping, and reporting. The permits are included in the docket for this action.⁶⁴

The EPA previously reviewed Alaska's BACT evaluation for the North Pole Power Plant.⁶⁵ The EPA agreed

⁵³ See State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–414.

⁵⁴ See Hedgpeth and Sorrels. (August 24, 2022). *Review of Best Available Control Technology analyses submitted for the University of Alaska, Fairbanks as part of the Fairbanks PM_{2.5} Nonattainment SIP*. U.S. Environmental Protection Agency, Region 10, Laboratory Services and Applied Science Division, EPA–R10–OAR–2022–0115.

⁵⁵ The EPA is not proposing to approve the NO_x-related emissions limits as meeting BACT for NO_x. For some emission units, Alaska imposed NO_x emissions limits as surrogates for direct PM_{2.5} emissions.

⁵⁶ See section III.A of this preamble for the specific permit conditions proposed to be approved.

⁵⁷ State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–316.

⁵⁸ See State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–342.

⁵⁹ State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–327.

⁶⁰ See Hedgpeth, Z. (August 24, 2022). *Review of Best Available Control Technology analyses submitted for the Golden Valley Electric Association (GVEA) Zehnder and North Pole Power Plants as part of the Fairbanks PM_{2.5} Nonattainment SIP*. U.S. Environmental Protection Agency, Region 10, Laboratory Services and Applied Science Division, EPA–R10–OAR–2022–0115.

⁶¹ *Id.* at p. 11.

⁶² The EPA is not proposing to approve the NO_x-related emissions limits as meeting BACT for NO_x. For some emission units, Alaska imposed NO_x emissions limits as surrogates for direct PM_{2.5} emissions.

⁶³ State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–267.

⁶⁴ See State Air Quality Control Plan, Vol. III, Appendix III.D.7.7–300.

⁶⁵ See Hedgpeth, Z. (August 24, 2022). *Review of Best Available Control Technology analyses submitted for the Golden Valley Electric Association (GVEA) Zehnder and North Pole Power*

with Alaska that no additional PM_{2.5} BACT controls are feasible for emission units at the North Pole Power Plant.⁶⁶ Thus, the EPA proposed to approve the submitted revisions to State Air Quality Control Plan, Vol. III, Appendix III.D.7.7 related to direct PM_{2.5} emissions and NO_x⁶⁷ emissions from the North Pole Power Plant and the submitted NPPP Permit conditions⁶⁸ as satisfying CAA section 189(b) and 40 CFR 51.1010.

The EPA did not propose action on Alaska's SO₂ BACT determinations in State Air Quality Control Plan, Vol. III, Appendix III.D.7.7 for the same reasons discussed in the preceding paragraphs regarding the Chena Power Plant.

ii. Final Rule

The EPA did not receive comments on PM_{2.5} BACT for the North Pole Power Plant and is finalizing approval of BACT for PM_{2.5} and NH₃ emissions at the North Pole Power Plant. Based on precursor demonstrations, SO₂ and NO_x emission controls are not required for this facility.

6. Alaska's Identification and Adoption of Additional Measures and Demonstration of 5% Reduction in Emissions Pursuant to CAA section 189(d)

a. Summary of Proposal

The EPA proposed to approve the Fairbanks Revised 189(d) Plan as meeting the requirements of CAA section 189(d) for Serious areas for the PM_{2.5} NAAQS that fail to attain by the Serious area attainment date. In the Fairbanks Revised 189(d) Plan the State retained the identification of all sources of direct PM_{2.5} emissions and PM_{2.5} plan precursors, identification of all potential controls to reduce direct PM_{2.5} emissions and PM_{2.5} plan precursors, and reevaluation of previously rejected control measures included in the initial Fairbanks 189(d) Plan.

As part of its reevaluation of control measures, Alaska provided additional information for many of the control measures the State considered in the BACM analysis. The Fairbanks Revised 189(d) Plan includes additional explanation of the State's consideration of potential measures such as banning

installation of solid-fuel devices in new construction, limiting heating oil to ultra-low sulfur diesel, dry wood requirements, emissions controls for small area sources, mobile sources, and MSMs.⁶⁹

Alaska identified a burn-down period as part of other jurisdictions' solid fuel-fired heating device curtailment program. Accordingly, Alaska adopted a burn down period of three hours for solid-fuel heating devices that begins upon the effective date and time of a curtailment announcement. In addition, Alaska added specific requirements to document economic hardship as part of a No Other Adequate Source of Heat (NOASH) curtailment program waiver for solid-fuel devices.

Regarding the requirement of CAA section 189(d) for the plan revision to achieve at least five percent annual reductions of PM_{2.5} or PM_{2.5} plan precursor emissions each year until attainment, Alaska included in the Fairbanks Revised 189(d) Plan a control strategy analysis that projects annual reductions of direct PM_{2.5} emissions that are greater than five percent per year through 2027, Alaska's projected attainment year.⁷⁰ Alaska noted that the State can demonstrate either five percent annual reductions in emissions of direct PM_{2.5} or a five percent annual reductions in emissions of a PM_{2.5} plan precursor. Alaska elected to demonstrate five percent annual reductions in direct PM_{2.5} emissions. Thus, the EPA proposed to approve the control strategy included in the Fairbanks Revised 189(d) Plan as meeting the requirements of CAA section 189(d) and 40 CFR 51.1010(c).

b. Final Rule

The EPA did not receive comments on this requirement and is finalizing the approval as proposed.

D. Attainment Demonstration and Modeling

1. Summary of Proposal

The EPA proposed to approve the Fairbanks Revised 189(d) Plan as meeting the attainment demonstration and modeling requirements of CAA section 189 and 40 CFR 51.1011. The State included an updated attainment demonstration in the Fairbanks Revised 189(d) Plan.⁷¹ In the plan, Alaska asserted that calendar year 2027 reflects attainment "as expeditiously as

practicable," based on air quality improvements from the base year to attainment year, as measured by the quantified emissions reductions associated with the implementation of control measures.⁷²

The EPA proposed to approve Alaska's attainment demonstration as meeting the requirements under 40 CFR 51.1011(b). Alaska demonstrated that the 2027 projected attainment date for the Serious nonattainment area is as expeditious as practicable. The EPA proposed to determine that the attainment demonstration met the requirements of Appendix W and included inventory data, modeling results, and emissions reduction analyses on which the State has based its projected attainment date. As discussed in section II.A of the Proposal, the base year for the emissions inventories for Alaska was 2020, which the EPA proposed to determine is the technically appropriate inventory year. The EPA proposed to determine that the control strategies in Alaska's SIP as rectified by the Fairbanks Revised 189(d) Plan satisfy the requirements of 40 CFR 51.1010. Therefore, the control strategies modeled as part of the attainment demonstration are consistent with the control strategies required pursuant to 40 CFR 51.1003 and 51.1010. With respect to the required timeframe for obtaining emissions reductions, all control measures needed for attainment will be implemented as expeditiously as practicable and implemented to attain the PM_{2.5} NAAQS by December 31, 2027.

Pursuant to CAA section 172(a)(2)(A) and 40 CFR 51.1004(a)(3), the EPA proposed to extend the attainment date for the Fairbanks PM_{2.5} Nonattainment Area to December 31, 2027. As shown in Table 5 of the Proposal, the 2020 base year design value at the Hurst Road monitoring station is 64.9 µg/m³. This design value is well above the PM_{2.5} 24-hour NAAQS of 35 µg/m³, indicating the air quality problem in the Fairbanks PM_{2.5} Nonattainment Area remains severe. However, Alaska has demonstrated that attainment earlier than 2027 is not feasible. Moreover, the EPA has reviewed Alaska's evaluations (and re-evaluations) of available control measures and proposes to determine that Alaska's control strategy meets the requirements of CAA section 189(b) and 189(d) and 40 CFR 51.1010. By extension, the EPA proposed to determine that there are no other feasible measures that Alaska could implement that would advance

Plants as part of the Fairbanks PM_{2.5}

Nonattainment SIP. U.S. Environmental Protection Agency, Region 10, Laboratory Services and Applied Science Division, EPA-R10-OAR-2022-0115.

⁶⁶ *Id.* at p. 11.

⁶⁷ The EPA is not proposing to approve the NO_x-related emissions limits as meeting BACT for NO_x. For some emission units, Alaska imposed NO_x emissions limits as surrogates for direct PM_{2.5} emissions.

⁶⁸ See section III.A of this preamble for the specific permit conditions proposed to be approved.

⁶⁹ State Air Quality Control Plan, Vol. II, section III.D.7.7.12 (adopted November 5, 2024).

⁷⁰ State Air Quality Control Plan, Vol. II, section III.D.7.9.2.3, Table 7.9-9.

⁷¹ State Air Quality Plan, Vol. II, section III.D.7.9 (adopted November 5, 2024).

⁷² State Air Quality Plan, Vol. II, section III.D.7.9.

attainment to a date earlier than December 31, 2027.

As discussed in section II.E of the Proposal regarding Reasonable Further Progress, the primary drivers of emissions reductions will be continued implementation of the wood stove change out program, the Solid Fuel-Burning Appliance Curtailment Program, and the switch from diesel no. 2 fuel oil to diesel no. 1 fuel oil. The rate of wood stove change-outs in a single season is constrained based on the availability of certified installers and residential demand. Similarly, higher sulfur fuel cannot feasibly be eliminated from the Fairbanks PM_{2.5} Nonattainment Area until 2026⁷³ due to the time necessary to expend all residual diesel no. 2 fuel oil and for diesel no. 1 to fully flush out any remaining higher sulfur residue. Finally, Alaska conducted a recent assessment of compliance with the Solid Fuel-Burning Appliance Curtailment Program that indicated a compliance rate of 38 percent.⁷⁴ Given the variability of compliance with this program in past, Alaska did not project a near-term improvement in the compliance rate. Therefore, the EPA considered the severity of nonattainment and the availability and feasibility of control measures as required under CAA section 172(a)(2)(A) and 40 CFR 51.1004(a)(3).

2. Final Rule

The EPA is finalizing approval of the attainment demonstration and modeling as proposed. Pursuant to CAA sections 172(a)(2)(A) and 179(d)(3) and 40 CFR 51.1004(a)(3), the Serious area attainment date for the Fairbanks PM_{2.5} Nonattainment Area is December 31, 2027. In its December 5, 2023, final action, the EPA disapproved Alaska's attainment demonstration projecting attainment by December 31, 2024. Finalizing approval of Alaska's revised attainment demonstration submitted as part of the Fairbanks Revised 189(d) Plan, rectifies this prior disapproval.

3. Comments and Responses

The EPA received comments on the EPA's proposed approval of Alaska's attainment demonstration. In general, the comments questioned whether the Fairbanks PM_{2.5} Nonattainment Area can reach attainment and the appropriateness of tolling the sanctions clocks and initiating steps to lift the transportation conformity freeze at this time. The EPA disagrees with these

comments. The commenters primarily focused on the current air quality and on Alaska's historic challenges projecting emissions reductions. The commenters argued that these were sufficient bases for retaining the transportation conformity freeze and sanctions clocks. However, under the CAA, once a State makes a SIP submission intended to rectify the deficiencies that form the basis for a prior disapproval of a SIP submission, and the EPA takes final action to approve that SIP submission, sanctions clocks started due to the deficiencies are eliminated.⁷⁵ In this action, the EPA is determining that Alaska has rectified the deficiencies in the initial Fairbanks 189(d) Plan that formed the basis for the EPA's 2023 disapproval.

Similarly, in a separate action, the EPA found the budgets submitted by the State as part of the Fairbanks Revised 189(d) Plan adequate and is also approving those budgets as part of this action. Therefore, the area's metropolitan planning organization, the Fairbanks Area Surface Transportation (FAST) Planning, may determine conformity of its transportation plan and transportation improvement program (TIP) to the adequate budgets.⁷⁶ Once FAST Planning and the U.S. Department of Transportation (DOT) makes a transportation conformity determination for its transportation plan and TIP, the freeze will end. Please see the EPA's Response to Comments document in the docket for this action for a summary of those comments and the EPA's detailed responses.⁷⁷

E. Reasonable Further Progress

1. Summary of Proposal

The EPA proposed to approve the Fairbanks Revised 189(d) Plan as meeting the RFP requirements in CAA section 172(c)(2) and 40 CFR 51.1012. The Fairbanks Revised 189(d) Plan included updated RFP provisions at State Air Quality Control Plan, Vol. II, section III.D.7.10. Consistent with the attainment demonstration provisions discussed in the preceding paragraphs, these updated RFP provisions reflect the attainment year of 2027.⁷⁹ The updated RFP analysis included a schedule that

includes 2020 as the base year, 2027 as the attainment year, and the following years as RFP and quantitative milestone analysis years: 2023, 2026, and 2029.⁸⁰

The RFP provisions in the Fairbanks Revised 189(d) Plan met each of the requirements in 40 CFR 51.1012(a)(1) through (4). First, the RFP provisions included a schedule describing the implementation of control measures during each year of the applicable attainment plan.⁸¹ Second, the Fairbanks Revised 189(d) Plan included RFP projected emissions for direct PM_{2.5} and all PM_{2.5} plan precursors for each applicable milestone year based on the phase-in schedule.⁸² Third, the Fairbanks Revised 189(d) Plan included an analysis that presents the schedule of control measures and estimated emissions changes to be achieved by each milestone year: 2023, 2026, and 2029.⁸³ This analysis relies on information from the base year inventory and attainment projected inventories in State Air Quality Control Plan, Vol. II, section III.D.7.8, as well as the RFP projected emissions. The analysis demonstrated that the control strategy will achieve reasonable progress toward attainment between the applicable base year and the attainment year.⁸⁴

Finally, the Fairbanks Revised 189(d) Plan included an analysis that demonstrates that by the end of the calendar year for each milestone date, pollutant emissions will be at levels that reflect either linear progress or stepwise progress in reducing emissions on an annual basis between the base year and attainment year. In its December 5, 2023, final action, the EPA disapproved the reasonable further progress provisions included in the initial Fairbanks 189(d) Plan. Finalizing approval of Alaska's revised reasonable further progress provisions included in the Fairbanks Revised 189(d) Plan, rectifies this prior disapproval.

⁸⁰ See State Air Quality Plan, Vol. II, section III.D.7.10.2.

⁸¹ *Id.* at section III.D.7.10.3.2; See also State Air Quality Control Plan, Vol. III, Appendix III.D.7.10.

⁸² *Id.* at section III.D.7.10.3.3, Table 7.10–5.

⁸³ *Id.* at section III.D.7.10.3.2, Table 7.10–4.

⁸⁴ *Id.* at section III.D.7.10.3, Tables 7.10–4–7.10–5; Figures 7.10–3–7.10–5. Note that NH₃ emissions are projected to increase from base year to the projected attainment year. As discussed in the preceding paragraphs regarding the control strategy, the EPA either has previously approved Alaska's control strategy as meet planning requirements for sources of NH₃. This is primarily because there are either no controls for sources of NH₃ emissions in the Fairbanks PM_{2.5} Nonattainment Area or the direct PM_{2.5} emissions controls are sufficient to control NH₃ emissions.

⁷³ State Air Quality Control Plan, Vol. II, section III.D.7.10, Table 7.10–4.

⁷⁴ State Air Quality Control Plan, Vol. III, Appendix III.D.7.9, at p. Appendix III.D.7.14–12.

⁷⁵ CAA section 179(a), 42 U.S.C. 7509(a).

⁷⁶ 40 CFR 93.120.

⁷⁷ The EPA's Response to Comments, section 4.E.

⁷⁸ Adopted November 5, 2024.

⁷⁹ RFP provisions in prior SIP submissions for the Fairbanks PM_{2.5} Nonattainment Area reflected varying projected attainment dates. Initially Alaska submitted an RFP plan in the Fairbanks Serious Plan based on the projected attainment year of 2029. Alaska withdrew and replaced the RFP plan in the Fairbanks 189(d) plan based on the revised 2024 attainment projection.

2. Final Rule

The EPA did not receive comments on the Reasonable Further Progress requirement and is finalizing the approval as proposed.

F. Quantitative Milestones

1. Summary of Proposal

The EPA proposed to approve the Fairbanks Revised 189(d) Plan as meeting the quantitative milestone requirements of CAA section 189(c)(1) and 40 CFR 51.1013. First, in accordance with 40 CFR 51.1013(a)(3)(ii) and (a)(4), the Fairbanks Revised 189(d) Plan included quantitative milestones for the years 2023, 2026, and 2029. Second, the Fairbanks Revised 189(d) Plan included phase-in metrics for each measure in the control strategy, including measures necessary to meet the BACM and BACT requirements in CAA section 189(b) and 40 CFR 51.1010(a) and the requirements of CAA section 189(d) and 40 CFR 51.1010(c). Finally, the EPA proposed to find that the quantitative milestones selected by the State allowed for objective evaluation of whether the State is meeting the RFP requirements of the Fairbanks Revised 189(d) Plan.

2. Final Rule

The EPA did not receive comments on the Reasonable Further Progress requirement and is finalizing the approval as proposed.

G. Contingency Measures

1. Summary of Proposal

In the Proposal, the EPA reviewed the three measures that the State included in the Fairbanks Revised 189(d) Plan to meet the contingency measures requirement for the 2006 24-hour PM_{2.5} NAAQS. The EPA proposed to approve one of the State's submitted measures as a contingency measure, reducing the solid fuel-burning device curtailment thresholds. This contingency measure would achieve approximately 0.086 tons per day PM_{2.5} emissions reductions with an increase of 0.047 tons per day SO₂ emissions. The EPA proposed to approve the other two measures as SIP-strengthening, enforceable commitments to enhance enforcement of the Solid Fuel-Burning Appliance Curtailment Program and removal of wood stoves. These SIP-strengthening measures would achieve surplus emissions reductions by increasing the compliance rate with the curtailment program from 38 percent to 65 percent and the wood stove removal measure from 30 percent to 45 percent.

The EPA proposed to find that the State provided an adequate reasoned

justification that no other contingency measures are feasible for the Fairbanks PM_{2.5} Nonattainment Area for purposes of the 2006 24-hour NAAQS. The EPA proposed to approve the Fairbanks Revised 189(d) Plan as meeting the contingency measure requirements in CAA section 179(c)(9) and 40 CFR 51.1014(a). See the Proposal, section II.G.4, for the EPA's detailed evaluation of Alaska's contingency measures.

2. Final Rule

The EPA did not receive comments on the Contingency Measure requirement and is finalizing the approval as proposed.

H. Motor Vehicle Emissions Budgets for Transportation Conformity

1. Summary of Proposal

The Fairbanks Revised 189(d) Plan included budgets for direct PM_{2.5} for each of the upcoming RFP years (2023, 2026, and 2029) and the 2027 attainment year identified by Alaska. Alaska did not include budgets for NO_x emissions because Alaska previously demonstrated that NO_x emissions do not significantly contribute to PM_{2.5} formation in the Fairbanks PM_{2.5} Nonattainment Area, and the EPA finalized approval of that precursor demonstration on December 5, 2023.⁸⁵ For VOC, SO₂ and NH₃ emissions, in accordance with 40 CFR 93.102(b)(2)(v), transportation-related emissions of these precursors have not been found to be significant and thus the State included no budgets for them.⁸⁶ Therefore, in the Fairbanks PM_{2.5} Nonattainment Area, transportation conformity applies only with respect to direct emissions of PM_{2.5}.

The EPA evaluated the motor vehicle emissions budgets developed by Alaska against the adequacy criteria in 40 CFR 93.118(e)(4) as part of our review of this SIP submission. Because the budgets met the criteria in the transportation

⁸⁵ See section II.B.2 (December 5, 2023 (88 FR 84629)). Note that 40 CFR 93.102(b)(2)(iv) indicates that NO_x emissions would apply in transportation conformity in PM_{2.5} areas unless the appropriate finding has been made or if the SIP does not establish a budget for NO_x emissions.

⁸⁶ Under 40 CFR 93.102(b)(2)(v), the requirements of the transportation conformity rule apply for VOC, SO₂, and/or NH₃ emissions in a PM_{2.5} area if either (1) the EPA Regional Administrator or the director of the state air agency makes a finding that transportation-related emissions of any of these precursors within the nonattainment area are a significant contributor to the PM_{2.5} nonattainment problem and has so notified the MPO and the DOT, or (2) if the applicable implementation plan or submission establishes an approved or adequate budget for such emissions as part of the reasonable further progress, attainment or maintenance strategy. Because neither criterion is met for the Fairbanks area, budgets were not included for VOC, SO₂, and NH₃ emissions.

conformity regulation at 40 CFR 93.118(e)(4), the EPA proposed to approve them as part of this SIP submission that addresses attainment and RFP.

In addition to proposing approval of the budgets, the EPA initiated the adequacy review process for the budgets in the Proposal, as described by 40 CFR 93.118(f)(2). When reviewing SIP submissions containing conformity budgets, the EPA reviews the budgets using the adequacy criteria in 40 CFR 93.118(e)(4). Once the EPA affirmatively finds the submitted budgets are adequate for transportation conformity purposes, those budgets must be used by FAST Planning and the U.S. Department of Transportation when determining whether proposed transportation activities conform to the SIP as required by section 176(c) of the CAA. See 40 CFR 93.109(c)(1) and 93.118(e)(1); see also 93.118(a) through (d).⁸⁷ The EPA issued its finding of adequacy for the budgets via letter on April 4, 2025,⁸⁸ and published an accompanying Notice of Adequacy on May 8, 2025 (88 FR 19423) in the **Federal Register**.

2. Final Rule

The EPA is finalizing approval of the Motor Vehicle Emission Budgets for Transportation Conformity.

3. Comments and Responses

The EPA received adverse comments on the EPA's proposed approval of Motor Vehicle Emission Budgets for Transportation Conformity. Specifically, commenters expressed concern regarding increased diesel particulate emissions from ore truck hauling through the nonattainment area. The EPA acknowledges the concerns regarding diesel particulate emissions. Alaska accounted for increased diesel particulate emissions from ore truck hauling in the emissions analysis used to develop the budgets. Alaska used conservative assumptions regarding the frequency of truck trips and truck size when estimating ore truck emissions. Thus, the EPA's position remains that the motor vehicle emissions budgets meet the adequacy criteria in 40 CFR 93.118(e)(4). The EPA provides a more

⁸⁷ However, the budgets in submitted implementation plans do not supersede the budgets in an approved SIP submission for the same CAA requirement and the period of years addressed by the previously approved SIP submission, unless the EPA specifies otherwise in its approval of a SIP submission. 40 CFR 93.118(e)(1).

⁸⁸ Letter from Krishna Viswanathan, Director, Air and Radiation Division, U.S. Environmental Protection Agency to Christina Carpenter, Acting Commissioner, Alaska Department of Environmental Conservation, April 4, 2025.

detailed response to these comments in the Response to Comments document in the docket for this action.⁸⁹

III. EPA Final Action

A. Final Approval

1. In this action, the EPA is finalizing approval of the submitted revisions to the Alaska SIP as meeting the following Serious Plan and CAA section 189(d)⁹⁰ required elements for the 2006 24-hour PM_{2.5} NAAQS Fairbanks Nonattainment Area:

a. Base year emissions inventory requirements of CAA section 172(c)(3)⁹¹ and 40 CFR 51.1008(c)(1) for areas subject to CAA section 189(d)).

b. Attainment projected emissions inventory requirements of CAA section 172(c)(1)⁹² and 40 CFR 51.1008(c)(2)).

c. BACM and BACT requirements (CAA section 189(b)(1)(B)⁹³ and 40 CFR 51.1010(a)) for the following emission source categories:

- i. Requirements for wood sellers
- ii. Coal-fired heating devices
- iii. Coffee roasters
- iv. Energy efficiency and weatherization measures
- v. Mobile source emissions
- vi. Control strategy BACT requirements for direct PM_{2.5} emissions meeting the requirements of CAA section 189(b)(1)(B)⁹⁴ and 40 CFR 51.1010(a) for the following emissions sources:⁹⁵

- Chena Power Plant
- Fort Wainwright
- University of Alaska Fairbanks
- Zehnder Facility
- North Pole Power Plant

d. Additional measures (beyond those already adopted in previous nonattainment plan SIP submissions for the area as RACM/RACM and BACM/BACT) under CAA section 189(d) and 40 CFR 51.1010(c).

e. Attainment demonstration and modeling requirements of CAA sections 172(a)(2), 189(b)(1)(A), and 189(d) and 40 CFR 51.1003(c) and 51.1011.

f. Reasonable further progress (RFP) requirements of CAA section 172(c)(2)⁹⁶ and 40 CFR 51.1012.

g. Quantitative milestones requirements of CAA section 189(c)⁹⁷ and 40 CFR 51.1013.

h. Contingency measures requirements of CAA section 172(c)(9)⁹⁸ and 40 CFR 51.1014 applicable to Serious areas subject to CAA sections 189(b) and 189(d).

i. Motor vehicle emission budgets requirements under 40 CFR 51.1003(d) and 93.118.

2. The EPA is finalizing approval of the submitted chapters of the Alaska Air Quality Control Plan for the Fairbanks PM_{2.5} Nonattainment Area, State effective December 14, 2024:

a. Volume II, section III.D.7.06 and Volume III, Appendix III.D.7.06 Emissions Inventory for purposes of the 2020 baseline emissions inventory and 2027 attainment year emissions inventory.

b. Volume II, section III.D.7.07 and Volume III, Appendix III.D.7.07 Control Strategies for purposes of the wood seller requirements, coal-fired heating devices, coffee roasters, energy efficiency and weatherization, light-duty vehicle anti-idling, and PM_{2.5} BACT determinations for the Chena Power Plant, Fort Wainwright Power Plant, University of Alaska Fairbanks Campus Power Plant, Zehnder Power Plant, and the North Pole Power Plant.

c. Volume II, section III.D.7.08 Modeling and Volume III, Appendix III.D.7.08 Modeling.

d. Volume II, section II.D.7.09 Attainment Demonstration and Volume III, Appendix II.D.7.09 Attainment Demonstration.

e. Volume II, section II.D.7.10 Reasonable Further Progress and Quantitative Milestones and Volume III, Appendix II.D.7.10 Reasonable Further Progress and Quantitative Milestones.

f. Volume II, section II.D.7.11 Contingency Measures.⁹⁹

g. Volume II, section II.D.7.12 Emergency Episode Plan.

h. Volume II, section II.D.7.14 Conformity and Motor Vehicle Emissions Budgets and Volume III, Appendix II.D.7.14 Conformity and Motor Vehicle Emissions Budgets.

3. The EPA is also finalizing approval and incorporating by reference submitted regulatory provisions into the Alaska SIP at 40 CFR 52.70(c), State effective December 8, 2024:

a. 18 AAC 50.055 (industrial processes and fuel-burning equipment requirements), except (d)(2)(B).

b. 18 AAC 50.076 (solid fuel-fired heating device fuel requirements;

registration of commercial wood sellers), except (g)(11).

c. 18 AAC 50.077 (standards for wood fired heating devices), except (g).

d. 18 AAC 50.078 (additional control measures for a serious PM_{2.5} nonattainment area), except (c).

e. 18 AAC 50.079 (provisions for coal-fired heating devices).

4. The EPA is also approving and incorporating by reference submitted source-specific provisions into the Alaska SIP at 40 CFR 52.70(d), State effective December 14, 2024:

a. Minor Permit AQ1121MSS04 Rev. 1, Title Page, Table of Contents, List of Abbreviations and Acronyms, Section 1, Section 3, Section 4, and Section 6, only, (Doyon Utilities, LLC—Fort Wainwright (Privatized Emission Units)).

b. Minor Permit AQ0236MSS03 Rev. 2, Title Page, Table of Contents, List of Abbreviations and Acronyms, Section 1, Section 3, Section 4, and Section 6, only (U.S. Army Garrison Fort Wainwright).

c. Minor Permit AQ0110MSS01 Rev. 1, Title Page, Table of Contents, List of Abbreviations and Acronyms, Section 1, Section 3, Section 4, and Section 6, only, (Golden Valley Electric Association, North Pole Power Plant).

d. Minor Permit AQ0109MSS01 Rev. 2, Title Page, Table of Contents, List of Abbreviations and Acronyms, Section 1, Section 3, Section 4, and Section 6, only, (Golden Valley Electric Association, Zehnder Facility).

e. Minor Permit AQ0315MSS02 Revision 1, Title Page, Table of Contents, List of Abbreviations and Acronyms, Section 1, Section 3, Section 4, and Section 6, only, (Aurora Energy LLC, Chena Power Plant).

f. Minor Permit AQ0316MSS08 Revision 1, Title Page, Table of Contents, List of Abbreviations and Acronyms, Section 1, Section 3, Section 4, and Section 6, only, (University of Alaska Fairbanks, University of Alaska Fairbanks Campus).

B. Terminating Sanctions Clocks and Lifting the Transportation Conformity Freeze

Additionally, the EPA is affirmatively determining that the State has made a SIP submission correcting each of the deficiencies identified in the EPA's December 5, 2023, partial approval partial disapproval action (88 FR 84626). In accordance with CAA section 179(a) and 40 CFR 52.31(d)(5), the sanctions clocks triggered by the EPA's partial disapprovals in the prior action are now permanently stopped and eliminated.

The EPA issued the Notice of Adequacy for the Motor Vehicle

⁸⁹ The EPA's Response to Comments, section 4.E.

⁹⁰ 42 U.S.C. 7513a(d).

⁹¹ 42 U.S.C. 7502(c)(3).

⁹² 42 U.S.C. 7502(c)(1).

⁹³ 42 U.S.C. 7513a(b)(1)(B).

⁹⁴ 42 U.S.C. 7513a(b)(1)(B).

⁹⁵ For specific emission units, see State Air Quality Control Plan, Vol. II, section III.7.7.13.8.2.

⁹⁶ 42 U.S.C. 7502(c)(2).

⁹⁷ 42 U.S.C. 7513a(c).

⁹⁸ 42 U.S.C. 7502(c)(9).

⁹⁹ The EPA is approving enforceable commitments in the State Air Quality Control Plan, Vol. II, section III.D.7.2.1 as SIP-strengthening and not as contingency measures meeting the requirements of CAA section 172(c)(9).

Emissions Budgets in a separate action on May 8, 2025 (88 FR 19423). The adequacy finding for the budgets, which the EPA are also approving through this action, allows FAST Planning, and subsequently the U.S. DOT, to make conformity determinations for the transportation plan and TIP that would end the transportation conformity freeze, see 40 CFR 93.120(a)(2). Lastly, in accordance with CAA section 110(c), this final approval eliminates the EPA's obligation to promulgate a Federal implementation plan (FIP) for the disapproved portions of Alaska's SIP submission in the EPA's December 5, 2023, final rule (88 FR 84626).¹⁰⁰

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is incorporating by reference regulatory provisions as described in section III of this document. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document for more information).

V. Statutory and Executive Order Reviews

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

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

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

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

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

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

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

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

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference,

Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: October 29, 2025.

Daniel Opalski,

Deputy Regional Administrator, Region 10.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart C—Alaska

■ 2. In § 52.70:

■ a. Amend table 1 in paragraph (c) by revising the entries for “18 AAC 50.055”, “18 AAC 50.076”, “18 AAC 50.077”, “18 AAC 50.078”, and “18 AAC 50.079”;

■ b. Revise table 4 to paragraph (d); and

■ c. Amend table 5 in paragraph (e) by:

■ i. Revising the second entries for “II.III.D.7.06 Fairbanks Emissions Inventory Data” and “III.III.D.7.06 Appendix to Fairbanks Emissions Inventory Data” and the entries for “II.III.D.7.07 Control Strategies”, “III.III.D.7.07 Appendix to Control Strategies”, “II.III.D.7.08 Modeling”, and “III.III.D.7.08 Appendix to Modeling” under the heading “Recently Approved Plans”; and

■ ii. Adding entries for “II.III.D.7.09 Attainment Demonstration”, “III.III.D.7.09 Appendix to Attainment Demonstration”, “II.III.D.7.10 Reasonable Further Progress and Quantitative Milestones”, “III.III.D.7.10 Appendix to Reasonable Further Progress and Quantitative Milestones”, “II.III.D.7.11 Contingency Measures”, “II.III.D.7.12 Fairbanks Emergency Episode Plan”, “II.III.D.7.14 Conformity and Motor Vehicle Emission Budgets”, and “III.III.D.7.14 Appendix to Conformity and Motor Vehicle Emission Budgets” at the end of the table.

The revisions and additions read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

¹⁰⁰ CAA section 110(c), 42 U.S.C. 7410(c).

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

State citation	Title/subject	State effective date	EPA approval date	Explanations
Alaska Administrative Code Title 18—Environmental Conservation, Chapter 50—Air Quality Control (18 AAC 50)				
18 AAC 50—Article 1. Ambient Air Quality Management				
18 AAC 50.055.	Industrial Processes and Fuel-Burning Equipment.	12/8/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Except (d)(2)(B).
18 AAC 50.076.	Solid Fuel-Fired Heating Device Fuel Requirements; Requirements for Wood Sellers.	12/8/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Except (g)(11).
18 AAC 50.077.	Standards for Wood-Fired Heating Devices.	12/8/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Except (g).
18 AAC 50.078.	Additional Control Measures for a Serious PM–2.5 Nonattainment Area.	12/8/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Except (c).
18 AAC 50.079.	Provisions For Coal-Fired Heating Devices.	12/8/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

* * * * * (d) * * *

TABLE 4 TO PARAGRAPH (d)—EPA-APPROVED ALASKA SOURCE-SPECIFIC REQUIREMENTS

Name of source	Order/permit number	State effective date	EPA approval date	Explanations
Doyon Utilities, LLC—Fort Wainwright (Privatized Emission Units).	Minor Permit Rev. 1. AQ1121MSS04	10/31/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Title Page, Table of Contents, List of Abbreviations and Acronyms, Section 1, Section 3, Section 4, and Section 6, only.
U.S. Army Garrison Fort Wainwright.	Minor Permit Rev. 2. AQ0236MSS03	10/28/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Title Page, Table of Contents, List of Abbreviations and Acronyms, Section 1, Section 3, Section 4, and Section 6, only.
Golden Valley Electric Association, North Pole Power Plant.	Minor Permit Rev. 1. AQ0110MSS01	10/30/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Title Page, Table of Contents, List of Abbreviations and Acronyms, Section 1, Section 3, Section 4, and Section 6, only.
Golden Valley Electric Association, Zehnder Facility.	Minor Permit Rev. 2. AQ0109MSS01	10/28/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Title Page, Table of Contents, List of Abbreviations and Acronyms, Section 1, Section 3, Section 4, and Section 6, only.
Aurora Energy LLC, Chena Power Plant.	Minor Permit AQ0315MSS02 Revision 1.	10/28/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Title Page, Table of Contents, List of Abbreviations and Acronyms, Section 1, Section 3, Section 4, and Section 6, only.
University of Alaska Fairbanks, University of Alaska Fairbanks Campus.	Minor Permit AQ0316MSS08 Revision 1.	10/31/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Title Page, Table of Contents, List of Abbreviations and Acronyms, Section 1, Section 3, Section 4, and Section 6, only.

(e) * * *

TABLE 5 TO PARAGRAPH (e)—EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
*	*	*	*	*
Recently Approved Plans				
II.III.D.7.06 Fairbanks Emissions Inventory Data.	Fairbanks North Star Borough.	12/4/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approved for purposes of the Fairbanks 189(d) Plan 2020 base year emissions inventory and 2027 attainment projected emissions inventory.
III.III.D.7.06 Appendix to Fairbanks Emissions Inventory Data.	Fairbanks North Star Borough.	12/4/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approved for purposes of the Fairbanks 189(d) Plan 2020 base year emissions inventory and 2027 attainment projected emissions inventory.
II.III.D.7.07 Control Strategies.	Fairbanks North Star Borough.	12/4/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approved for purposes of the Fairbanks Serious Plan and Fairbanks 189(d) Plan.
III.III.D.7.07 Appendix to Control Strategies.	Fairbanks North Star Borough.	12/4/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approved for purposes of the Fairbanks Serious Plan and Fairbanks 189(d) Plan.
II.III.D.7.08 Modeling	Fairbanks North Star Borough.	12/4/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approved for purposes of the Fairbanks Serious and Fairbanks 189(d) Plan for the PM _{2.5} precursor demonstration for NO _x and VOC emissions and SO ₂ emissions from existing major stationary sources as it relates to control strategy requirements for areas subject to CAA section 189(b) and (d), 42 U.S.C. 7513a(b) and (d).
III.III.D.7.08 Appendix to Modeling.	Fairbanks North Star Borough.	12/4/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approved for purposes of the Fairbanks Serious Plan and Fairbanks 189(d) Plan for the PM _{2.5} precursor demonstrations for NO _x and VOC emissions and SO ₂ emissions from existing major stationary sources as it relates to control strategy requirements for areas subject to CAA section 189(b) and (d), 42 U.S.C. 7513a(b) and (d).

TABLE 5 TO PARAGRAPH (e)—EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
II.III.D.7.09 Attainment Demonstration.	Fairbanks North Star Borough.	12/4/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approved for purposes of the Fairbanks Serious Plan and Fairbanks 189(d) Plan. Pursuant to CAA sections 172(a)(2)(A) and 179(d)(3), 42 U.S.C. 7502(a)(2)(A) and 42 U.S.C. 7509(d)(3), and 40 CFR 51.1004(a)(3), the Serious area attainment date for the Fairbanks PM _{2.5} Nonattainment Area is December 31, 2027.
III.III.D.7.09 Appendix to Attainment Demonstration.	Fairbanks North Star Borough.	12/4/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approved for purposes of the Fairbanks Serious Plan and Fairbanks 189(d) Plan. Pursuant to CAA sections 172(a)(2)(A) and 179(d)(3), 42 U.S.C. 7502(a)(2)(A) and 42 U.S.C. 7509(d)(3), and 40 CFR 51.1004(a)(3), the Serious area attainment date for the Fairbanks PM _{2.5} Nonattainment Area is December 31, 2027.
II.III.D.7.10 Reasonable Further Progress and Quantitative Milestones.	Fairbanks North Star Borough.	12/4/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approved for purposes of the Fairbanks Serious Plan and Fairbanks 189(d) Plan.
III.III.D.7.10 Appendix to Reasonable Further Progress and Quantitative Milestones.	Fairbanks North Star Borough.	12/4/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approved for purposes of the Fairbanks Serious Plan and Fairbanks 189(d) Plan.
II.III.D.7.11 Contingency Measures.	Fairbanks North Star Borough.	12/4/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approved for purposes of the Fairbanks Serious Plan and Fairbanks 189(d) Plan.
II.III.D.7.12 Fairbanks Emergency Episode Plan.	Fairbanks North Star Borough.	12/4/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approved for purposes of the Fairbanks Serious Plan and Fairbanks 189(d) Plan.
II.III.D.7.14 Conformity and Motor Vehicle Emission Budgets.	Fairbanks North Star Borough.	12/4/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approved for purposes of the Fairbanks Serious Plan and Fairbanks 189(d) Plan.
III.III.D.7.14 Appendix to Conformity and Motor Vehicle Emission Budgets.	Fairbanks North Star Borough.	12/4/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Approved for purposes of the Fairbanks Serious Plan and Fairbanks 189(d) Plan.

■ 3. Amend § 52.73 by revising paragraph (e)(2)(ii) to read as follows:

§ 52.73 Approval of plans.

* * * * *

(e) * * *

(2) * * *

(ii) The EPA approves the revisions to the Alaska State Implementation Plan submitted on December 4, 2024, as meeting the following requirements applicable to the Fairbanks North Star Borough 2006 24-hour PM_{2.5} Nonattainment Area:

(A) 2020 base year emissions inventory (Clean Air Act section 172(c)(3), 42 U.S.C. 7502(c)(3), 40 CFR 51.1008(c)(1)) for areas subject to Clean Air Act section 189(d), 42 U.S.C. 7513a(d);

(B) 2027 attainment projected emissions inventory (Clean Air Act section 172(c)(1), 42 U.S.C. 7502(c)(1), 40 CFR 51.1008(c)(2)) for areas subject to Clean Air Act section 189(d), 42 U.S.C. 7513a(d);

(C) PM_{2.5} precursor demonstrations for SO₂ emissions for existing major

stationary sources (Clean Air Act section 189(e), 42 U.S.C. 7513a(e); 40 CFR 51.1006(a));

(D) The control strategy as meeting BACM and BACT requirements under Clean Air Act section 189(b)(1)(B), 42 U.S.C. 7513a(b)(1)(B), and 40 CFR 51.1010(a) for the following emission source categories: PM_{2.5} control measures for major stationary sources, requirements for wood sellers, coal-fired heating devices, coffee roasters, energy efficiency and weatherization measures, mobile source category;

(E) Additional measures (beyond those already adopted in previous nonattainment plan SIP submissions for the area as RACM/RACT, BACM/BACT, and MSM (if applicable)) under Clean Air Act section 189(d), 42 U.S.C. 7513a(d), and 40 CFR 51.1010(c);

(F) Attainment demonstration and modeling requirements of Clean Air Act sections 172(a)(2), 189(b)(1)(A), and 189(d), 42 U.S.C. 7502(a)(2), 42 U.S.C. 7513a(b)(1)(A) and 7513a(d), and 40 CFR 51.1003(c) and 51.1011 (Pursuant to CAA section 172(a)(2)(A), 42 U.S.C. 7502(a)(2), and 40 CFR 51.1004(a)(3), the Serious area attainment date for the Fairbanks PM_{2.5} Nonattainment Area is December 31, 2027);

(G) Reasonable further progress (RFP) requirements of Clean Air Act section 172(c)(2), 42 U.S.C. 7502(c)(2), and 40 CFR 51.1012;

(H) Quantitative milestones requirements of Clean Air Act section 189(c), 42 U.S.C. 7513a(c), and 40 CFR 51.1013;

(I) Contingency measures requirements of Clean Air Act section 172(c)(9), 42 U.S.C. 7502(c)(9), and 40 CFR 51.1014 applicable to Serious areas subject to Clean Air Act sections 189(b) and 189(d), 42 U.S.C. 7513a(b) and 7513a(d); and

(J) Motor vehicle emission budgets requirements under 40 CFR 51.1003(d) and 93.118.

* * * * *

[FR Doc. 2025–20097 Filed 11–17–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2025–0240; FRL–12861–02–R1]

Air Plan Approval; Connecticut; 2014 and 2017 Periodic Emissions Inventory for 2008 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of Connecticut. These SIP revisions relate to the 2008 8-Hour ozone National Ambient Air Quality Standards (NAAQS). The SIP revisions consist of the following: 2014 and 2017 calendar year periodic emissions inventories. This action is being taken under the Clean Air Act (CAA).

DATES: This rule is effective on December 18, 2025.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2025–0240. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at <https://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

FOR FURTHER INFORMATION CONTACT: Patrick Lillis, Air and Radiation Division (Mail Code 5–MI), U.S. Environmental Protection Agency—Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts 02109–3912; tel. (617) 918–1067, or by email at lillis.patrick@epa.gov.

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

Table of Contents

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

I. Background

The Notice of Proposed Rulemaking (NPRM) proposed approval of SIP revisions submitted by the State of Connecticut that relate to the 2008 Ozone National Ambient Air Quality Standards. The SIP revisions included the 2014 and 2017 periodic emissions inventories for the Greater Connecticut and the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT ozone nonattainment areas. We proposed to find that the emissions inventories were prepared in accordance with the requirements of CAA sections 172(c)(3) and 182(a)(3)(A). The EPA is now finalizing the proposed approval of Connecticut’s 2014 and 2017 periodic emissions inventories for the 2008 Ozone NAAQS.

II. Response to Comments

EPA received one comment during the comment period, which is available

in the docket of this rulemaking action. This comment recognizes that the proposal was “limited to evaluating emissions inventory submissions for ozone precursors,” but urges EPA to “recognize the broader importance of integrating carbon dioxide (CO₂) and other greenhouse gas (GHG) emissions” in future periodic emissions inventories.

The comment does not assert that the CAA requires EPA to disapprove a periodic emissions inventory submittal that does not include CO₂ or GHGs. Rather, the comment recognizes that CO₂ and GHGs are “not directly regulated under the 2008 ozone standard” but urges EPA nonetheless to “encourage states to incorporate GHG awareness into future inventory work and SIP development frameworks.”

EPA reviews a State’s submittal for compliance with CAA requirements, and EPA is required to approve a SIP submission that complies with those requirements. CAA § 110(k)(3); 40 CFR 52.02(a). As noted, this EPA action concerns emissions inventories for the 2008 ozone NAAQS submitted in accordance with CAA sections 172(c)(3) and 182(a)(3)(A). Section 172(c)(3) of the CAA requires a state to include “the relevant pollutant or pollutants” in emissions inventories for SIPs. EPA’s 2008 ozone implementation rule indicates the relevant pollutants to be included in periodic emission inventories for the 2008 ozone NAAQS are ozone season day emissions of the ozone precursors volatile organic compounds and (VOC) and nitrogen oxides (NO_x).¹ Therefore, CT DEEP’s submittal of 2014 and 2017 periodic emissions inventories without reference to CO₂ or GHGs meets the applicable pollutant and ozone precursor reporting requirements for periodic emission inventories of the CAA and EPA’s 2008 ozone implementation rule.² Furthermore, EPA regulations require a base year inventory to establish a reference point to track VOC and NO_x emissions.³ Thus, subsequent periodic emissions inventories also center on VOC and NO_x in order to track progress toward meeting the ozone NAAQS by comparing current VOC and NO_x emissions data to the base year

¹ 40 CFR 51.1115(a)–(d); 40 CFR 51.15(a)(1)–(2); *see also* Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations, May 2017, Section 4.2 (“For the 8-hour ozone NAAQS, the pollutants to be inventoried are VOC and NO_x.”), available at https://www.epa.gov/sites/default/files/2017-07/documents/ei_guidance_may_2017_final_rev.pdf.

² *See also* 80 FR 12264.

³ 40 CFR 51.1100(bb) (defining the base year inventory as including VOC and NO_x without any mention of CO₂ or GHGs), 51.1115(a).

inventory. Accordingly, EPA is finalizing the action as proposed.

III. Final Action

For the reasons described in our July 7, 2025, notice of proposed rulemaking,⁴ EPA is taking final action to approve Connecticut's 2014 and 2017 periodic emissions inventories for the 2008 ozone NAAQS as a revision to the Connecticut SIP.

IV. Statutory and Executive Order Reviews

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

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

application of those requirements would be inconsistent with the Clean Air Act.

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: October 8, 2025.

Mark Sanborn,

Regional Administrator, EPA Region 1.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart H—Connecticut

- 2. Section 52.370 is amended by adding paragraph (c)(139) to read as follows:

§ 52.370 Identification of plan

* * * * *

(c) * * *

(139) Revisions to the State Implementation Plan submitted by the Connecticut Department of Energy and Environmental Protection on May 3, 2024.

(i) [Reserved]

(ii) Additional materials.

(A) Letter from the Connecticut Department of Energy and Environmental Protection, dated May 3, 2024, submitting revision to the Connecticut State Implementation Plan.

(B) [Reserved]

- 3. Section 52.384 is amended by adding paragraph (g) to read as follows:

§ 52.384 Emission Inventories.

* * * * *

(g) On May 3, 2024, the State of Connecticut submitted periodic emissions inventories as revisions to the State's SIP. The periodic emissions inventories represent emissions for calendar year 2014 and 2017 from the Connecticut portion of the NY-NJ-CT 8-hour ozone nonattainment area (currently classified as severe nonattainment for the 2008 ozone standard) and the Greater Connecticut 8-hour ozone nonattainment area (currently classified as moderate nonattainment for the 2008 ozone standard, but since having received a clean data determination and a determination of attainment by the attainment date). The 2014 and 2017 periodic emission inventory requirement of section 182(a)(3)(A) of the Clean Air Act, as amended in 1990, has been satisfied for these areas. The inventories consist of emission estimates of volatile organic compounds and nitrogen oxides, and cover point, area, non-road mobile, on-road mobile and biogenic sources. The inventories were submitted as revisions to the SIP in partial fulfillment of obligations for nonattainment areas under EPA's 2008 8-hour ozone standard.

[FR Doc. 2025–20142 Filed 11–17–25; 8:45 am]

BILLING CODE 6560–50–P

⁴ 90 FR 29821.

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[EPA–R09–OAR–2024–0339; FRL–12125–02–R9]

Air Plan Approval; Arizona; Yuma 2015 8-Hour Ozone Nonattainment Area; Redesignation Request and Maintenance Plan**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve the State of Arizona’s “SIP Revision: 2015 Ozone NAAQS, Yuma Redesignation Request and Maintenance Plan” (“Yuma Maintenance Plan” or “Plan”) as a revision to the Arizona state implementation plan (SIP). The Yuma Maintenance Plan includes, among other elements, an emissions inventory consistent with attainment, a maintenance demonstration, contingency provisions, and a motor vehicle emissions budget for use in transportation conformity determinations for the ten-year maintenance period. With this action, the EPA is approving the motor vehicle emissions budgets for 2020, 2030, and 2037. The EPA is also approving the State’s request to redesignate the Yuma nonattainment area (“Yuma area”) from nonattainment to attainment for the 8-hour national ambient air quality standards (NAAQS) for ozone promulgated in 2015 (“2015 ozone NAAQS”). The EPA is finalizing this action because this SIP revision meets the applicable Clean Air Act (CAA or “Act”) requirements for maintenance plans and because the State has met the requirements under the Act for redesignation of a nonattainment area to attainment with respect to the Yuma area.

DATES: This action is effective on December 18, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2024–0339. 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. Publicly available docket materials are

available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. **FOR FURTHER INFORMATION CONTACT:** Andrew Ledezma, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3985 or by email at Ledezma.Andrew@epa.gov.

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

Table of Contents

- I. Summary of Proposed Action
- II. Public Comments and EPA Responses
- III. Final Action
- IV. Statutory and Executive Order Reviews

I. Summary of Proposed Action

On November 5, 2024, under CAA section 110(k)(3), the EPA proposed to approve the Yuma Maintenance Plan submitted by the Arizona Department of Environmental Quality (ADEQ) on December 27, 2023, as a revision to the Arizona SIP.¹ In so doing, we proposed to find that the Yuma Maintenance Plan adequately demonstrates that the Yuma area will maintain the 2015 ozone NAAQS for ten years beyond redesignation and includes sufficient contingency provisions to promptly correct any violation of the 2015 ozone NAAQS that may occur, and otherwise meets the requirements for maintenance plans under CAA section 175A. We also proposed to find the motor vehicle emissions budgets (“budgets”) for volatile organic compounds (VOC) and nitrogen oxides (NO_x) for 2020, 2030, and 2037 adequate and approve the budgets for transportation conformity purposes.

In our proposed rulemaking, we also proposed to grant ADEQ’s request to redesignate the Yuma area from nonattainment to attainment for the 2015 ozone NAAQS pursuant to CAA section 107(d)(3)(E). We proposed to do so based on our conclusion that the Yuma area has attained the 2015 ozone NAAQS based on the following: the most recent three-year period (2020–2022) of quality-assured, certified, and complete ozone data;² the relevant

portions of the Arizona SIP are, or will be as part of this action, fully approved; the improvement in air quality is due to permanent and enforceable emissions reductions; Arizona has met all requirements applicable to the Yuma area with respect to section 110 and part D of the CAA; and based on our proposed approval as described above, the Yuma Maintenance Plan meets the requirements for maintenance plans under section 175A of the CAA. Therefore, Arizona has met the criteria for redesignation under CAA section 107(d)(3)(E) for the Yuma area with respect to the 2015 ozone NAAQS.

Our proposed rulemaking has a detailed discussion of the background for this action, our procedural and substantive review of the Yuma Maintenance Plan and associated budgets, and our rationale for our proposed approval of the Yuma Maintenance Plan and for granting ADEQ’s request for redesignation of the Yuma area to attainment.

II. Public Comments and EPA Responses

Our November 5, 2024 (89 FR 87828) proposed rulemaking provided a 30-day public comment period that closed on December 5, 2024. During this comment period we received one comment, which stated that the cannabis industry is responsible for significant greenhouse gas and VOC emissions in Arizona. We acknowledge the comment; however, it fails to assert or explain how the EPA’s approval of Arizona’s redesignation request for the Yuma area and the Yuma Maintenance Plan is erroneous or otherwise inconsistent with the CAA, applicable regulations, or other authorities. As such, the comment does not require further response in order to finalize the action as proposed.

III. Final Action

Under CAA section 110(k)(3), and for reasons set forth in our November 5, 2024 (89 FR 87828) proposed rulemaking, the EPA is taking final action to approve the Yuma Maintenance Plan submittal as a revision to the Arizona SIP. The EPA finds that the maintenance demonstration showing the area will continue to maintain the 2015 ozone NAAQS for 10 years beyond redesignation, the contingency provisions describing the actions that ADEQ will take in the event of a future monitored violation, and the other elements of the Yuma Maintenance Plan meet all applicable requirements for

¹ 89 FR 87828 (November 5, 2024).

² The Yuma 2015 ozone NAAQS design value for 2024 remained in attainment at 0.069 parts per million; EPA, 2024 AQ5 Design Value Report (AMP480) dated July 8, 2025, included in the docket for this rulemaking; also available at EPA,

Ozone Design Values, 2024, <https://www.epa.gov/air-trends/air-quality-design-values>.

maintenance plans and related contingency provisions in CAA section 175A. The EPA is also approving the budgets for VOC and NO_x for 2020, 2030, and 2037 because they are derived from an approvable maintenance demonstration, are adequate, and meet the applicable transportation conformity requirements under 40 CFR 93.118(e).

Under CAA section 107(d)(3)(D), we are also taking final action to grant ADEQ's request to redesignate the Yuma area to attainment for the 2015 ozone NAAQS, which accompanied the submittal of the Yuma Maintenance Plan. We are doing so based on our conclusion that the area has met the five criteria for redesignation under CAA section 107(d)(3)(E). Our conclusion in this regard is based on our determination of the following: the area has attained the 2015 ozone NAAQS; relevant portions of the Arizona SIP are, or will be as part of this action, fully approved; the improvement in air quality is due to permanent and enforceable reductions in emissions; Arizona has met all requirements applicable to the Yuma area with respect to section 110 and part D of the CAA; and our approval (as part of this action) of the Yuma Maintenance Plan.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, redesignation of a nonattainment area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by the SIP and applicable Federal rules. Redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of less stringent requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, 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 Clean Air Act. Accordingly, these actions merely approve a SIP revision and redesignation request as meeting Federal requirements and do not impose additional requirements beyond those imposed by State law. For these reasons, these actions:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under

Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

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

The EPA has identified Tribal areas within the Yuma area covered by this rule that would be potentially affected by this final action. Specifically, the Cocopah Tribe of Arizona and the Quechan Tribe of the Fort Yuma Indian Reservation are located within the boundaries of the Yuma area.

The EPA has concluded that this rule may have Tribal implications for these Tribes for the purposes of transportation conformity, as this document sets motor vehicle emissions budgets for ozone precursors for the Yuma area, which includes some Tribal roads. The EPA has communicated with the potentially affected Tribes located within the boundaries of the Yuma area.³

³ Letter dated June 4, 2024, from Matthew Lakin, Director, EPA Region IX to Sherry Cordova, Chairwoman, Cocopah Tribe of Arizona, Subject: "Invitation to Consult on a Redesignation Request and Maintenance Plan from the State of Arizona for the 2015 Ozone National Ambient Air Quality Standards (NAAQS)," and letter dated June 4, 2024 from Matthew Lakin, Director, EPA Region IX to Jordan Joaquin, President, Quechan Tribe of the Fort Yuma Indian Reservation, Subject: "Invitation to Consult on a Redesignation Request and Maintenance Plan from the State of Arizona for the 2015 Ozone National Ambient Air Quality Standards (NAAQS)."

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

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

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

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

Dated: September 29, 2025.

Michael Martucci,

Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, the EPA amends 40 CFR parts 52 and 81 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart D—Arizona

- 2. Section 52.120 is amended in paragraph (e), table 1, under the heading "Part D Elements and Plans (Other than for the Metropolitan Phoenix or Tucson Areas)" by adding an entry for "SIP Revision: 2015 Ozone NAAQS, Yuma Redesignation Request and Maintenance Plan" before the entry for "SIP Revision: Marginal Ozone Plan for the Yuma Nonattainment Area (dated December 17, 2020), excluding chapter D and appendix C" to read as follows:

§ 52.120 Identification of plan.

(e) * * *

* * * * *

TABLE 1—EPA-APPROVED NON-REGULATORY AND QUASI-REGULATORY MEASURES

[Excluding certain resolutions and statutes, which are listed in tables 2 and 3, respectively]¹

Name of SIP provision	Applicable geographic or nonattainment area or title/subject	State submittal date	EPA approval date	Explanation
*	*	*	*	*
Part D Elements and Plans (Other than for the Metropolitan Phoenix or Tucson Areas)				
SIP Revision: 2015 Ozone NAAQS, Yuma Redesignation Request and Maintenance Plan.	Yuma 2015 8-hour ozone nonattainment area.	December 27, 2023.	November 18, 2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Adopted by the Arizona Department of Environmental Quality on December 15, 2023, and submitted to the EPA as an attachment to a letter dated December 27, 2023.
*	*	*	*	*

¹ Table 1 is divided into three parts: Clean Air Act section 110(a)(2) State Implementation Plan Elements (excluding Part D Elements and Plans), Part D Elements and Plans (other than for the Metropolitan Phoenix or Tucson Areas), and Part D Elements and Plans for the Metropolitan Phoenix and Tucson Areas.

* * * * *

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

■ 4. Section 81.303 is amended in the table “Arizona—2015 8-Hour Ozone NAAQS [Primary and Secondary]” by

ARIZONA—2015 8-HOUR OZONE NAAQS
[Primary and Secondary]

revising the entry for “Yuma, AZ” to read as follows:

§ 81.303 Arizona.

* * * * *

Designated area ¹	Designation		Classification	
	Date ²	Type	Date ²	Type
Yuma, AZ	December 18, 2025 ..	Attainment.		
Yuma County (part): That portion within Yuma County of the area described by the following: 1. Bounded on the north and west by the Arizona state line. 2. Bounded on the south by the line of latitude at 32°39'20" N. 3. Bounded on the east by the line of longitude 114°33'50" W. 4. And excluding the sections 10, 11, and 12 of township T9S, R23W and any portion in Indian Country. Cocopah Tribe of Arizona. Quechan Tribe of the Fort Yuma Indian Reservation.				
*	*	*	*	*

¹ Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

² This date is August 3, 2018, unless otherwise noted.

* * * * *

[FR Doc. 2025–20095 Filed 11–17–25; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Parts 52 and 81****[EPA–R07–OAR–2025–0693; FRL–12887–
02–R7]****Air Plan Approval; State of Kansas;
Attainment Redesignation for 2008
Lead NAAQS and Associated
Maintenance Plan****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve the request from the State of Kansas (the State) to redesignate portions of Salina County, Salina, Kansas (Salina area) to attainment for the 2008 lead National Ambient Air Quality Standards (NAAQS). The EPA's approval of the redesignation request is based on the determination that the Salina area has met the criteria for redesignation to attainment set forth in the Clean Air Act (CAA), including the determination that the area has attained the standard. Additionally, the EPA is granting final approval of the State's plan for maintaining the 2008 lead NAAQS in the Salina area for ten years beyond redesignation.

DATES: This final rule is effective on December 18, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2025–0693. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Jennifer Kissel, Environmental Protection Agency, Region 7 Office, Air and Radiation Division, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7982; email address: kissel.jenny@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” refer to the EPA.

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- I. What is being addressed in this document?
- II. Background
- III. The EPA's Response to Comments
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- VII. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA is granting final approval of the request submitted by the State of Kansas to redesignate the Salina County, Salina, Kansas nonattainment area to attainment for the 2008 lead NAAQS. On March 20, 2025 the State submitted a request for redesignation that demonstrates NAAQS attainment and an associated maintenance plan to ensure that the area continues to attain the standard. On August 7, 2025 the EPA published a Notice of Proposed Rulemaking (NPRM) which proposed to approve the redesignation request and associated maintenance plan (90 FR 38095).

As part of this action, the EPA is approving a revision to the Kansas SIP to incorporate Construction Permit #1690035, which was issued on December 27, 2018 (hereinafter referred to as the December 2018 permit) for the Stryten Salina, LLC facility (formerly known as Exide Technologies, hereinafter referred to as Stryten) which contains an updated control strategy to control lead emissions. The December 2018 permit was submitted by the State for incorporation into the SIP in 40 CFR 52.870(d). The December 2018 permit incorporates three permit modifications to the facility's construction permit that was originally issued August 18, 2014 (hereinafter referred to as the August 2014 Permit).

The basis for the EPA's final approval is that the area met the requirements of the CAA for approval as discussed below and in the NPRM.

II. Background

As described in the NPRM published on August 7, 2025, the EPA has determined that the area has met the criteria for section 107(d)(3)(E) of the CAA and that the State's maintenance plan will ensure that the area continues to attain the standard.

As discussed in the NPRM the Stryten lead acid battery manufacturing plant located in Salina, KS was the main source of lead emissions impacting the violating monitor. Stryten implemented contingency measures and additional

control strategies made enforceable through modifications to the August 2014 permit, the most recent of which is the December 2018 permit.¹ The additional emission reduction measures in the December 2018 permit included better control device filtration efficiency and monitoring, expansion of negative pressure ventilation of all lead-emitting process areas, additional paving of plant property, and dust suppression on plant grounds and roadways using a water truck and vacuum street sweeper. See the State's maintenance plan and the December 2018 permit for more information on the updated control strategy.

Following implementation of the additional emission reduction measures starting in 2017, ambient lead concentrations decreased in the area. Air quality monitoring data from 2017–2019, 2018–2020, and 2019–2021 show attainment of the 2008 lead NAAQS.

The public comment period on the EPA's proposed rule opened August 7, 2025, the date of its publication in the **Federal Register**, and closed on September 8, 2025. During this period, the EPA received comments from the State in an email from the Kansas Department of Health and Environment (KDHE) that is included in the docket of this action. Comments are addressed in section III.

III. The EPA's Response to Comments

Comment 1: KDHE requests that the EPA clarify that the State submitted its attainment plan for the Salina nonattainment area on February 3, 2015 as specified in 40 CFR 52.870(e)(43).

Response 1: The EPA agrees with this comment and clarifies that the attainment plan for the Salina nonattainment area was received by the EPA on February 25, 2015, as stated in 81 FR 47034 (July 20, 2016).

Comment 2: KDHE requests that the EPA reference KDHE's SIP-approved minor NSR regulatory program in its analysis of whether the area has met all redesignation requirements, specifically whether it has met all applicable requirements under CAA section 110 and part D.

Response 2: The EPA notes that the State's redesignation request and maintenance plan for the Salina nonattainment area included a discussion of the State's minor NSR

¹ Modifications to Stryten's August 2014 construction permit were also issued on January 11, 2017 and June 23, 2017. The December 2018 permit modification incorporates and maintains requirements from the previous construction permits. The December 2018 permit modification is included in appendix A of the State's maintenance plan.

regulatory program, codified at K.A.R. 28–19–300 through K.A.R. 28–19–304. The EPA further notes that for purposes of determining whether the State has met the applicable requirements of sections 107(d)(3)(E)(v), 110, and 172(c)(5) of the CAA, the EPA is not required to analyze whether the State has a SIP-approved minor NSR regulatory program. Therefore, no changes have been made in response to this comment.

Comment 3: KDHE stated that the source name was incorrect in the proposed amendment to 40 CFR part 52, subpart R, § 52.870(d)(6) table “EPA-APPROVED KANSAS SOURCE-SPECIFIC PERMITS”.

Response 3: The EPA agrees that the source name in the NPRM table was incorrect and has corrected the name of the source to “Stryten Salina LLC (formerly known as Exide)” in this final action.

Comment 4: KDHE requests that the EPA replace a sentence in the background section of the TSD that does not accurately describe the facility emission source.

Response 4: The EPA agrees that the TSD accompanying the NPRM incorrectly stated that “lead emissions result from breaking open used batteries, re-melting the lead, and reformulating new batteries.” Accordingly, the EPA updated the background section of the revised TSD to describe the lead emissions from the facility associated with battery production.

Comment 5: KDHE requests that the EPA correct a typographical error in a table that erroneously listed lead as SO₂.

Response 5: The EPA corrected the typographical error in section VI., table 4 of the revised TSD to indicate the “Background Lead Concentration” used in Stryten and KDHE’s modeling.

Comment 6: KDHE is requesting that the EPA include the volume source emission rates used in Stryten’s October 2021 modeling in table 8 of the TSD.

Response 6: The EPA added language that includes and clarifies the different sets of volume source emission rates used in Stryten’s October 2021 modeling and KDHE’s supplemental modeling in section VI.D. and tables 4 and 8 of the revised TSD.

Comment 7: KDHE requests that EPA replace the UTM Easting value for the Schilling Elementary School in table 10b of the TSD.

Response 7: The EPA agrees and included the correct UTM Easting value for the Schilling Elementary School in section VI., table 10b of the revised TSD.

IV. Have the requirements for approval of a SIP revision been met?

The NPRM provides a detailed discussion of the requirements of CAA section 107(d)(3)(E) which identifies the five criteria that must be met before a nonattainment area may be redesignated to attainment and the EPA’s analysis of how each requirement was met. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation provided the following criteria are met: (1) The Administrator determines that the area has attained the applicable NAAQS; (2) the Administrator has fully approved the applicable implementation plan for the area under section 110(k); (3) the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable Federal air pollutant control regulations and other permanent and enforceable reductions; (4) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and (5) the State containing such area has met all requirements applicable to the area under section 110 and part D of title I of the CAA. The EPA finds that the Salina area has met these criteria, and that the State’s maintenance plan will ensure the Salina area continues to attain the standard.

The State’s redesignation submission meets the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfies the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from January 23, 2025, to February 24, 2025, and received no comments. In addition, as explained in this proposed action and in more detail in the TSD, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

V. What action is the EPA taking?

The EPA is taking final action to approve the maintenance plan for the Salina nonattainment area into the Kansas SIP (as compliant with CAA section 175A). The maintenance plan demonstrates that the area will continue to maintain the 2008 lead NAAQS and includes contingency provisions to remedy any future violations of the 2008 lead NAAQS and procedures for evaluation of potential violations.

Additionally, the EPA is taking final action to determine that the Salina nonattainment area has met the criteria under CAA section 107(d)(3)(E) for redesignation from nonattainment to

attainment for the 2008 lead NAAQS. On this basis, the EPA is approving the State’s redesignation request for the area and changing the legal designation of the portion of Saline County designated nonattainment at 40 CFR part 81 to attainment for the 2008 lead NAAQS.

The EPA is also approving and incorporating by reference 40 CFR 52.870(d) *EPA-Approved Kansas Source-Specific Permits* the following source-specific permit:

- Stryten Salina LLC #1690035, state effective date December 27, 2018.

VI. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Kansas permit #1690035 issued December 27, 2018 discussed in sections I., II. and V. of this preamble and as set forth below in the proposed amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.²

VII. 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, the EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);

² 62 FR 27968, May 22, 1997.

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or

an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action is subject to the Congressional Review Act (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).

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

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by

reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements.

40 CFR Part 81

Environmental protection, Air pollution control.

Dated: October 23, 2025.

James Macy,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR parts 52 and 81 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart R—Kansas

■ 2. In § 52.870:

■ a. The table in paragraph (d) is amended by adding the entry “(6)” at the end of the table; and

■ b. The table in paragraph (e) is amended by adding the entry “(48)” at the end of the table.

The additions read as follows:

§ 52.870 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED KANSAS SOURCE-SPECIFIC PERMITS

Name of source	Permit or case No.	State effective date	EPA approval date	Explanation
(6) Stryten Salina LLC. (formerly known as Exide).	1690035	12/27/2018	11/18/2025, 90 FR [insert Federal Register page where the document begins].	

(e) * * *

EPA-APPROVED KANSAS NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(48) Lead Redesignation SIP and Maintenance Plan.	Portions of Saline County, Salina, Kansas.	3/20/2025	11/18/2025, 90 FR [insert Federal Register page where the document begins].	[EPA–R07–OAR–2025–0693; FRL–12887–02–R7].

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*
Subpart C—Section 107 Attainment Status Designations

■ 4. In § 81.317, the table entitled “Kansas—2008 Lead NAAQS” is

amended by revising the entry “Saline County, KS:” to read as follows:

§ 81.317 Kansas.
* * * * *

KANSAS—2008 LEAD NAAQS

Designated area	Designation for the 2008 NAAQS ^a	
	Date ¹	Type
Saline County, KS:	11/18/2025, 90 FR [insert FEDERAL REGISTER page where the document begins].	Attainment.
Saline County (part) Area bounded by Schilling Rd. on the north, ¼ mile west of S. Ohio St. on the east, Water Well Rd. on the south, and 9th Street on the west.		
* * * * *		

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ December 31, 2011 unless otherwise noted.

[FR Doc. 2025–20200 Filed 11–17–25; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R07–OAR–2025–0818; FRL–12901–02–R7]

Air Plan Approval; IA, Muscatine; 2010 1-Hour SO₂ Maintenance Plan and Redesignation

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to redesignate the nonattainment area in Muscatine County, Iowa to attainment for the 2010 1-hour sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS). The EPA is also approving Iowa’s maintenance plan for the 2010 1-hour SO₂ NAAQS for the Muscatine nonattainment area and approving modifications to source-specific permits in the Iowa State Implementation Plan (SIP). The EPA is taking this action in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on December 18, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2025–0818. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business

Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Bethany Olson, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7905; email address: olson.bethany@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document “we,” “us,” and “our” refer to EPA.

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- II. Background
- III. Have the requirements for approval of a SIP revision been met?
- IV. What action is the EPA taking?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA is taking final action to approve a SIP revision and redesignation request submitted on November 17, 2021, by the Iowa Department of Natural Resources (IDNR). The EPA is taking the following three separate but related actions: (1) to add new or revised permits for Muscatine area sources into the Iowa SIP and remove certain air construction

permits from the SIP; (2) to approve Iowa’s maintenance plan for the 2010 1-hour SO₂ NAAQS in the Muscatine area and incorporate it into the SIP; and (3) to redesignate the Muscatine area to attainment for the 2010 1-hour SO₂ NAAQS.

The EPA finds that the State’s submittal meets the requirements for redesignation under the CAA and the revisions do not interfere with any applicable requirement concerning attainment and reasonable further progress. The full State submission is included in the docket for this action.

II. Background

On June 2, 2010 (75 FR 35520), the EPA signed the revised the primary SO₂ NAAQS, establishing a new 1-hour standard of 75 parts per billion (ppb). Following promulgation of a new or revised NAAQS, the EPA is required by CAA section 107(d) to designate areas throughout the nation as attaining or not attaining the NAAQS, or as unclassifiable. On August 5, 2013, the EPA designated a portion of Muscatine County, Iowa, as nonattainment for the 2010 primary 1-hour SO₂ NAAQS (78 FR 47191), effective October 4, 2013.

Iowa submitted an attainment plan for the Muscatine area on May 26, 2016. Iowa’s approved 2016 attainment plan provided a modeled attainment demonstration and the required nonattainment planning requirements for the Muscatine NAA. The attainment plan included permit conditions to reduce SO₂ emissions at three facilities in the NAA: Grain Processing Corporation (GPC), Muscatine Power and Water (MPW), and Monsanto Company—Muscatine (Monsanto), now

Bayer CropScience LP.¹ The conditions are contained in air construction permits issued by IDNR and were approved into the SIP as part of the attainment plan approval.² The EPA issued a final approval of Iowa's attainment plan on November 17, 2020 (85 FR 73218).

On November 17, 2021, Iowa submitted a redesignation request and maintenance plan for the Muscatine nonattainment area for the 2010 SO₂ NAAQS. The submission also included modifications to SIP-approved permits for GPC, MPW, and Monsanto. The submitted permit revisions replace some specific conditions that the EPA had previously approved into the SIP for the purpose of demonstrating attainment of the SO₂ standard pursuant to the nonattainment requirements of sections 172, 191, and 192 of the CAA.

On January 26, 2022, the EPA proposed to determine that the Muscatine NAA attained the 2010 1-hour SO₂ NAAQS by the applicable attainment date of October 4, 2018 (87 FR 3958). The EPA issued a final determination of attainment by the attainment date for the 2010 1-hour SO₂ NAAQS on April 7, 2022 (87 FR 20329).

On August 21, 2025 (90 FR 40797), the EPA proposed to approve Iowa's 2021 redesignation request and maintenance plan for the Muscatine area for the 2010 SO₂ NAAQS. An explanation of the CAA requirements, a detailed analysis of the revisions, and EPA's reasons for proposing approval were provided in the notice of proposed rulemaking (NPRM) and will not be restated here.

The EPA also proposed to approve revisions to SIP-approved permits. The submitted revisions remove outdated permits, add new permits, and modify SIP-approved permits. The air construction permits include reasonably available control technology (RACT) limits for the 2010 1-hour SO₂ NAAQS, compliance monitoring, and recordkeeping and reporting requirements at GPC, MPW, and Monsanto. The emission limits establish the maximum permitted allowable emission rate for each emission point, and Iowa provided updated dispersion modeling in its 2021 SIP submission based on these conditions. The new and modified permits are contained in Attachments 1 through 3 of the State submittal in the docket for this action.

The requested permit revisions are as follows:

- Remove twelve GPC permits relied upon in the 2016 attainment plan for emission points (stacks) no longer in service. The GPC permit numbers are 15-A-078, 79-A-194-S2, 74-A-014-S1, 74-A-015-S2, 79-A-195-S2, 71-A-067-S4, 15-A-202, 15-A-209, 11-A-338-S1, 15-A-354, 05-A-926-S4, 75-A-087-S1.

- Remove eight permits from the SIP due to the revocation of the 24-hour and annual primary SO₂ NAAQS. The numbers are GPC permits 74-A-015-S, 79-A-194-S, 79-A-195-S, and 95-A-374; MPW permits 74-A-175-S and 95-A-373; and Monsanto permits 76-A-161S3 and 76-A-265S3.

- Add five new GPC permits into the SIP containing SO₂ RACT limits for the 2010 1-hour SO₂ NAAQS. The new permits are for four new stacks and one newly identified SO₂ emission source. The GPC permit numbers are 17-A-298, 17-A-299, 17-A-112, 19-A-515-S1, and 18-A-136.

- Replace twenty GPC permits, two MPW permits, and one Monsanto permit in the Iowa SIP that were relied upon in the 2016 attainment plan. Several revisions to GPC permits establish a Collection of Air Permits (CAP) which is a type of air construction permit issued by IDNR that combines the requirements and conditions for multiple emission points (and thus multiple permit numbers) into one document. Other revisions included changes to SO₂ RACT limits or updates unrelated to SO₂. The modified GPC permit numbers are CAP: 80-A-149-S6, CAP: 80-A-150-S6, CAP: 85-A-031-S5, CAP: 85-A-032-S5, 91-A-068-S3, 92-A-383-S3, 92-A-385-S2, CAP: 94-A-055-S3, CAP: 94-A-061-S3, 02-A-781-S3, 02-A-782-S3, 10-A-563-S2, 15-A-200-S1, 15-A-201-S1, 15-A-213-S2, 15-A-486-S1, 15-A-326-S1, 03-A-471-S3, 06-A-1261-S2, and 15-A-199-S1. The modified MPW permits are 95-A-373-P4 and 80-A-191-P4, and the Monsanto permit is 82-A-092-P12.

The EPA's NPRM and supporting information contained in the docket were made available for public comment from August 21, 2025, to September 22, 2025. EPA received no comments on the proposal. Therefore, we are finalizing our action as proposed.

III. Have the requirements for approval of a SIP revision been met?

The State's submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part

51, appendix V. The State provided public notice on this SIP submission from August 20, 2021, to September 20, 2021, and held a public hearing on September 20, 2021. IDNR received and responded to written comments from two sources, and included the comments and responses in its submission. In addition, as explained above and in more detail in the technical support document (TSD) which is part of this document, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. What action is the EPA taking?

The EPA is taking final action to approve the redesignation of the Muscatine area from nonattainment to attainment in accordance with Iowa's November 17, 2021 request. The criteria under CAA section 107(d)(3)(E) as specific to the 2010 SO₂ NAAQS have been met. On this basis, the EPA is approving Iowa's redesignation request for the area and changing the legal designation of the portion of Muscatine County designated nonattainment at 40 CFR part 81 to attainment for the 2010 1-hour SO₂ NAAQS.

Additionally, the EPA is approving the Muscatine, Iowa 2010 SO₂ 1-hour NAAQS maintenance plan into the Iowa SIP under CAA section 175A. The maintenance plan demonstrates that the area will continue to maintain the 2010 1-hour SO₂ NAAQS for at least 10 years following redesignation and includes contingency provisions to remedy any future violations of the 2010 1-hour SO₂ NAAQS.

Finally, the EPA is taking final action to add new or revised permits for Muscatine area sources into the Iowa SIP and remove certain air construction permits from the SIP.

V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Iowa permits #17-A-298, #17-A-299, #19-A-515-S1, #18-A-136, #17-A-112, #80-A-149-S6, #80-A-150-S6, #85-A-031-S5, #85-A-032-S5, #91-A-068-S3, #92-A-383-S3, #92-A-385-S2, #94-A-055-S3, #94-A-061-S3, #02-A-781-S3, #02-A-782-S3, #10-A-563-S2, #15-A-200-S1, #15-A-201-S1, #15-A-213-S2, #15-A-486-S1, #15-A-326-S1, #03-A-471-S3, #06-A-1261-S2, #15-A-199-S1, #95-A-373-P4, #80-A-191-P4, and #82-A-092-P12 discussed in section II. of this preamble and as set forth below

¹ The Monsanto facility in Muscatine is now under the ownership of Bayer CropScience LP. This document retains use of the Monsanto name for consistency with the Iowa submittal. Bayer CropScience L.P. assumed all construction permits for Monsanto that are relevant to this action.

² 85 FR 73218, November 17, 2020.

in the amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.³

Also, in this document, as described in the amendments to 40 CFR part 52 set forth below, the EPA is removing provisions of the EPA-approved permits from the Iowa SIP, which is incorporated by reference in accordance with the requirements of 1 CFR part 51. The EPA is removing Iowa permits #74-A-015-S, #79-A-194-S, #79-A-195-S, #95-A-374, #74-A-175-S, #95-A-373, #76-A-161S3, #76-A-265S3, #15-A-078, #79-A-194-S2, #71-A-067-S4, #75-A-087-S1, #74-A-014-S1, #74-A-015-S2, #79-A-195-S2, #80-A-149-S5, #80-A-150-S5, #85-A-031-S2, #85-A-032-S2, #91-A-068-S2, #92-A-383-S2, #92-A-385-S1, #94-A-055-S1, #94-A-061-S1, #02-A-781-S2, #02-A-782-S2, #10-A-563-S1, #15-A-200, #15-A-201, #15-A-202, #15-A-209, #15-A-213, #15-A-486, #15-A-326, #03-A-471-S1, #05-A-926-S4, #06-A-1261-S1, #11-A-338-S1, #15-A-354, #15-A-199, #95-A-373-P3, #80-A-191-P3, and #82-A-092-P11.

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of

Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);

- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

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

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

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

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

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it

extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Maintenance plan, Redesignation, Sulfur oxides.

40 CFR Part 81

Environmental protection, Air pollution control, Designations, Intergovernmental relations, Redesignation, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: October 23, 2025.

James Macy,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR parts 52 and 81 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart Q—Iowa

- 2. In § 52.820:

- a. The table in paragraph (d) is amended by:

■ i. Revising the entries "(113)," "(114)," "(115)," "(116)," "(118)," "(122)," "(123)," "(124)," "(125)," "(129)," "(131)," "(132)," "(133)," "(134)," "(135)," "(136)," "(138)," "(139)," "(140)," "(153)," "(156)," "(157)," "(158)," "(160)," "(163)," "(166)," "(167)," and "(168)"; and

■ ii. Removing and reserving entries "(3)," "(4)," "(5)," "(6)," "(7)," "(8)," "(9)," "(10)," "(119)," "(121)," "(141)," "(148)," "(159)," "(161)," and "(162)".

- b. The table in paragraph (e) is amended by adding the entry "(57)" at the end of the table.

The revisions and addition read as follows:

§ 52.820 Identification of plan.

* * * * *

(d) * * *

³ 62 FR 27968, May 22, 1997.

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS

Name of source	Order/permit No.	State effective date	EPA approval date	Explanation
(3) Reserved (4) Reserved (5) Reserved (6) Reserved (7) Reserved (8) Reserved (9) Reserved (10) Reserved				
(113) Grain Processing Corporation.	17-A-298	4/12/2018	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(114) Grain Processing Corporation.	17-A-299	4/12/2018	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(115) Grain Processing Corporation.	19-A-515-S1	12/22/2020	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(116) Grain Processing Corporation.	18-A-136	5/30/2018	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(118) Grain Processing Corporation.	17-A-112	5/2/2017	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(119) Reserved				
(121) Reserved				
(122) Grain Processing Corporation.	80-A-149-S6	2/21/2017	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(123) Grain Processing Corporation.	80-A-150-S6	2/21/2017	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(124) Grain Processing Corporation.	85-A-031-S5	5/19/2020	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(125) Grain Processing Corporation.	85-A-032-S5	5/19/2020	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(129) Grain Processing Corporation.	91-A-068-S3	11/4/2019	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(131) Grain Processing Corporation.	92-A-383-S3	10/11/2016	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(132) Grain Processing Corporation.	92-A-385-S2	10/11/2016	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS—Continued

Name of source	Order/permit No.	State effective date	EPA approval date	Explanation
(133) Grain Processing Corporation.	94-A-055-S3	5/13/2021	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(134) Grain Processing Corporation.	94-A-061-S3	5/13/2021	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(135) Grain Processing Corporation.	02-A-781-S3	2/8/2018	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(136) Grain Processing Corporation.	02-A-782-S3	2/8/2018	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
* * *				
(138) Grain Processing Corporation.	10-A-563-S2	7/25/2017	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(139) Grain Processing Corporation.	15-A-200-S1	4/12/2018	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(140) Grain Processing Corporation.	15-A-201-S1	4/12/2018	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(141) Reserved				
* * *				
(148) Reserved				
* * *				
(153) Grain Processing Corporation.	15-A-213-S2	12/22/2020	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
* * *				
(156) Grain Processing Corporation.	15-A-486-S1	11/4/2019	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(157) Grain Processing Corporation.	15-A-326-S1	3/4/2020	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(158) Grain Processing Corporation.	03-A-471-S3	5/30/2018	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(159) Reserved				
(160) Grain Processing Corporation.	06-A-1261-S2	12/22/2020	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(161) Reserved				
(162) Reserved				
(163) Grain Processing Corporation.	15-A-199-S1	1/11/2021	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
* * *				
(166) Muscatine Power and Water.	95-A-373-P4	6/1/2016	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS—Continued

Name of source	Order/permit No.	State effective date	EPA approval date	Explanation
(167) Muscatine Power and Water.	80-A-191-P4	6/1/2016	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
(168) Monsanto	82-A-092-P12	11/1/2016	11/18/2025, 90 FR [insert Federal Register page where the document begins].	2010 1-hour SO ₂ NAAQS Attainment Plan; EPA-R07-OAR-2025-0818; FRL-12901-02-R7.
*	*	*	*	*

(e) * * *

EPA-APPROVED IOWA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA Approval date	Explanation
(57) 2010 1-hour primary SO ₂ NAAQS Maintenance Plan.	A portion of Muscatine County.	11/17/2021	11/18/2025, 90 FR [insert Federal Register page where the document begins].	EPA-R07-OAR-2025-0818; FRL-12901-01-R7.

■ 3. In § 52.834, add paragraph (c) to read as follows:

§ 52.834 Control strategy: Sulfur dioxide.
* * * * *

(c) *Redesignation to attainment.* EPA has determined, as of November 18, 2025, that the Muscatine County 2010 SO₂ nonattainment area is redesignated to attainment of the 2010 SO₂ 1-hour National Ambient Air Quality Standard (NAAQS) in accordance with the

requirements of Clean Air Act (CAA) section 107(d)(3) and has approved its maintenance plan and supplemental modeling demonstration analyses as meeting the requirements of CAA section 175A.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 4. The authority citation for part 81 continues to read as follows:

IOWA—2010 SULFUR DIOXIDE NAAQS
[Primary]

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

Subpart C—Section 107 Attainment Status Designations

■ 5. In § 81.316, the table entitled “Iowa—2010 Sulfur Dioxide NAAQS [Primary]” is amended by revising the entry “Muscatine, IA” to read as follows:

§ 81.316 Iowa.

* * * * *

Designated area ¹	Designation	
	Date ²	Type
Muscatine, IA	11/18/2025	Attainment.
Muscatine County (part).		
Sections 1–3, 10–15, 22–27, 34–36 of T77N, R3W (Lake Township).		
Sections 1–3, 10–15, 22–27, 34–36 of T76N, R3W (Seventy-six Township).		
T77N, R2W (Bloomington Township).		
T76N, R2W (Fruitland Township).		
All sections except 1, 12, 13, 24, 25, 36 of T77N, R1W (Sweetland Township).		
*	*	*

¹ Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

² This date is April 9, 2018, unless otherwise noted.

* * * * *

[FR Doc. 2025–20197 Filed 11–17–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[EPA–R03–OAR–2024–0624; FRL–12500–02–R3]

Air Plan Approval; Pennsylvania; Redesignation of the Beaver County Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan for the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving both a redesignation request and state implementation plan (SIP) revision submitted on August 12, 2024 by the Commonwealth of Pennsylvania. The request asked the EPA to redesignate the Beaver County, Pennsylvania area (Beaver County Area) from nonattainment to attainment for the 2010 1-hour primary sulfur dioxide (SO₂) national ambient air quality standard (NAAQS), while the SIP revision included Beaver County's maintenance plan for the 2010 1-hour primary SO₂ standard for the Beaver County Area. The EPA is approving this redesignation of the Beaver County Area from nonattainment to attainment for the 2010 SO₂ NAAQS and the revision to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on December 18, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2024–0624. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through www.regulations.gov, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Philip McGuire, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental

Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2251. Mr. McGuire can also be reached via electronic mail at mcguire.philip@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

On July 24, 2025 (90 FR 34815), the EPA published a notice of proposed rulemaking (NPRM) for the Commonwealth of Pennsylvania. In the NPRM, the EPA proposed to redesignate the Beaver County, Pennsylvania area from nonattainment to attainment for the 2010 1-hour primary SO₂ NAAQS. The EPA also proposed approval of a revision to the Pennsylvania SIP which included Beaver County's maintenance plan for the 2010 1-hour primary SO₂ NAAQS, the approval of which is required for redesignation under CAA section 107(d)(3)(E). The formal SIP revision was submitted by Pennsylvania on August 12, 2024. The public comment period for the proposed rulemaking ended on August 25, 2025 and the EPA received no comments during the public comment period.

II. Summary of SIP Revision and the EPA Analysis

The July 24, 2025 proposal (90 FR 34815) provides a detailed discussion of the requirements of CAA section 107(d)(3)(E)—which identifies the five criteria that must be met before a nonattainment area may be redesignated to attainment—and the EPA's analysis of how each requirement was met. To summarize this discussion: (1) the EPA determined that the Beaver County Area attained the 2010 SO₂ NAAQS based on air quality monitoring data in compliance with the standard and on emissions data that is below modeled emissions limits identified in Pennsylvania's 2017 attainment plan; (2) the EPA determined that Pennsylvania has a fully approved SIP for the Beaver County Area under section 110(k) of the CAA for all requirements applicable for purposes of redesignation; (3) the EPA determined that the improvement in the Beaver County Area's air quality is due to permanent and enforceable reductions in emissions, including the closures of multiple facilities and permitted SO₂ emissions limits at various sources throughout the Beaver County Area; (4) the EPA determined that Pennsylvania's maintenance plan was fully approvable and ensures that the Beaver County Area will continue to attain the 2010 SO₂ NAAQS for at least 10 years following redesignation and further includes contingency measures to

correct for any potential future 2010 SO₂ NAAQS violations;¹ and (5) the EPA determined that Pennsylvania has met all applicable requirements for the Beaver County Area under CAA section 110 and part D. Additional rationale for the EPA's proposed action are explained in the NPRM, and will not be restated here. No public comments were received on the NPRM.

III. Final Action

The EPA is approving the redesignation of the Beaver County Area from nonattainment to attainment in accordance with Pennsylvania's August 12, 2024, request. The criteria under CAA section 107(d)(3)(E) as specific to the 2010 SO₂ NAAQS have been met. The EPA is determining that the Beaver County Area is attaining the 2010 SO₂ NAAQS, the state has a fully approved applicable state implementation plan under CAA section 110(k), the improvement in air quality is due to permanent and enforceable SO₂ emissions reductions in the Beaver County Area, the state now has a fully approved maintenance plan for the area (as noted below), and the state has met all requirements applicable to the area under CAA section 110 and part D of title I of the CAA. On this basis, the EPA is approving the redesignation request from Pennsylvania for the Beaver County Area and changing the legal designation of the Beaver County Area at 40 CFR part 81 to attainment for the 2010 SO₂ NAAQS.

The EPA is also approving the Beaver County 2010 SO₂ NAAQS maintenance plan as a revision to the Pennsylvania SIP. The maintenance plan demonstrates that the area will continue to maintain the 2010 SO₂ NAAQS for at least 10 years following redesignation and includes a process to implement contingency measures to remedy any future violations of the 2010 SO₂ NAAQS.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does

¹ Any measured monitor exceedances of the NAAQS will also prompt a Pennsylvania Department of Environmental Protection-led investigation and enforcement, as appropriate.

not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

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

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

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations,

Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 81

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

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR parts 52 and 81 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

- 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding the entry “Maintenance Plan for the Beaver County, Pennsylvania Nonattainment Area for the 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard” at the end of the table to read as follows:

§ 52.2020 Identification of plan.

*	*	*	*	*
(e)	*	*	*	*
(1)	*	*	*	*

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* * *	* * *	* * *	* * *	* * *
Maintenance Plan for the Beaver County, Pennsylvania Nonattainment Area for the 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard.	Industry Borough, Shippingport Borough, Midland Borough, Brighton Township, Potter Township and Vanport Township.	8/12/2024	11/18/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

* * *

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

- 3. The authority citation for part 81 continues to read as follows:

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

- 4. In § 81.339, amend the table entitled “Pennsylvania—2010 Sulfur Dioxide NAAQS [Primary],” by revising the first entry for “Beaver County (part)” to read as follows:

§ 81.339 Pennsylvania.

* * *

PENNSYLVANIA—2010 SULFUR DIOXIDE NAAQS

[Primary]

Designated area ¹	Designation	
	Date ²	Type
* * * * * Beaver, PA Beaver County (part). Area consisting of Industry Borough, Shippingport Borough, Midland Borough, Brighton Township, Potter Township and Vanport Township. * * * * *	12/18/2025	Attainment.

¹ Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

² This date is April 9, 2018, unless otherwise noted.

* * * * *
 [FR Doc. 2025–20096 Filed 11–17–25; 8:45 am]
 BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2024–0176; FRL–12909–01–OCSPP]

Fluopyram; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of fluopyram (CASRN 658066–35–4) in or on mango. Under the Federal Food, Drug, and Cosmetic Act (FFDCA), The United States Department of Agriculture—Foreign Agricultural Service (USDA–FAS) submitted a petition to EPA requesting that EPA establish a maximum permissible level for residues of this pesticide in or on the identified commodity.

DATES: This rule is effective on November 18, 2025. Objections and requests for hearings must be received on or before January 20, 2026 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of this document).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2024–0176, 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. Potentially affected entities may include:

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

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

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

EPA is issuing this rulemaking under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is “safe.” FFDCA section 408(b)(2)(A)(ii) defines “safe” to mean that “there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all

other exposures for which there is reliable information.” This includes exposure through drinking water and in residential settings but does not include occupational exposure. FFDCA section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .”

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify the docket ID number EPA–HQ–OPP–2024–0176 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before January 20, 2026.

The EPA’s Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. See “Revised Order Urging Electronic Filing and Service,” dated June 22, 2023, which can be found at <https://www.epa.gov/system/files/documents/2023-06/2023-06-22%20->

%20revised%20order%20urging%20electronic%20filing%20and%20service.pdf. Although the EPA's regulations require submission via U.S. Mail or hand delivery, the EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at https://yosemite.epa.gov/oa/eab/eab-alj_upload.nsf.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket at 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 1, 2024 (89 FR 54,398, 54,401) (FRL-11682-05-OCSPP), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3E9060) by the USDA Foreign Agricultural Service, 1400 Independence Ave. Washington, DC 20250. The petition requested that 40 CFR 180 be amended by establishing an import tolerance for residues of the fungicide fluopyram, N-[2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl]-2-(trifluoromethyl)benzamide, in or on mango at 1 parts per million (ppm). That document referenced a summary of the petition prepared by the petitioner, which is available in the docket, <http://www.regulations.gov>. There were no comments received in response to the notice of filing.

III. Final Tolerance Action

A. Aggregate Risk Assessment and Determination of Safety

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the

hazards of and to make a determination on aggregate exposure for fluopyram including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with fluopyram follows.

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

EPA has previously published tolerance rulemakings for fluopyram, most recently in the **Federal Register** of February 1, 2023 (88 FR 6636) (FRL-10566-01), in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to fluopyram and established tolerances for residues of that pesticide chemical. EPA is incorporating previously published sections from the February 1, 2023 rulemaking as described further in this rulemaking, as they remain unchanged.

B. Toxicological Profile

For a discussion of the Toxicological Profile of fluopyram, see Unit III.A. of the February 1, 2023 rulemaking.

C. Toxicological Points of Departure/ Levels of Concern

A summary of the toxicological endpoints for fluopyram used for the human health risk assessment is discussed in Unit III.B. of the February 1, 2023 rulemaking.

D. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to fluopyram, EPA considered exposure under the petitioned-for tolerances as well as all existing fluopyram tolerances in 40 CFR 180.661. EPA assessed dietary exposures from fluopyram 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 fluopyram.

In estimating acute dietary exposure, EPA used the Dietary Exposure Evaluation Model software using 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, the acute dietary exposure assessment used tolerance-level values for mango and for commodities with established tolerances with the exception of cereal grains, canola commodities, and coffee, for which the Highest Average Field Trial (HAFT) values were used. One hundred percent crop treated (PCT) was assumed.

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, the chronic dietary exposure assumed tolerance-level residues for mango and used mean field trial data for all other commodities. The chronic dietary assessment used a combination of average PCT for some commodities and 100 PCT for other commodities.

iii. *Cancer.* Based on the toxicological profile in Unit III.A. of the February 1, 2023 rulemaking, EPA has concluded that fluopyram 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 February 1, 2023 rulemaking and can be found in section Unit III.C.1.iv.

2. *Drinking water, non-occupational, and cumulative exposures.* For more discussion of the estimated drinking water concentrations, non-occupational (residential), and cumulative exposures for fluopyram, see Unit III.C.2., Unit III.C.3. and Unit III.C.4. of the February 1, 2023 rulemaking.

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 to 1X. See Unit III.D. of the February 1, 2023 rulemaking for a discussion of the Agency's rationale for that determination.

F. Aggregate Risk and Determination of Safety

Acute, chronic, short-, and intermediate-term aggregate risk, as well

as aggregate cancer risk estimates remain unchanged from the previous rulemaking. Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, fluopyram is not expected to pose a cancer risk to humans. For discussion of these exposure estimates, see Unit III.E. of the February 1, 2023 rulemaking.

Consequently, based on these risk assessments and information described in the February 1, 2023 rulemaking, 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 fluopyram residues. More detailed information can be found at <https://www.regulations.gov> in the document titled “Fluopyram. Human Health Risk Assessment for the Proposed Section 3 Tolerance Request without U.S. Registration for Mango.” in docket ID number EPA–HQ–OPP–2024–0176.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the February 1, 2023 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 established MRLs for fluopyram in or on mango at 1 ppm. These MRLs are the same as the tolerances established for fluopyram in the United States.

V. Conclusion

Therefore, tolerances are established for residues of fluopyram, N-[2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl]-2-(trifluoromethyl)benzamide, in or on mango at 1 ppm.

VI. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

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

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

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

C. Paperwork Reduction Act (PRA)

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

D. Regulatory Flexibility Act (RFA)

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

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

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

responsibilities among the various levels of government.

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

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

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

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

This rule finalizes tolerance actions under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .” (FFDCA 408(b)(2)(C)). The Agency’s consideration is 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—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 § 180.661, table 1 to paragraph (a)(1) is amended by adding in alphabetical order the entry “Mango” to read as follows:

§ 180.661 Fluopyram; tolerances for residues.

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

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
* * *	* *
Mango ¹	1.0
* * *	* *

¹ There are no U.S. registrations.

* * * * *

[FR Doc. 2025–20177 Filed 11–17–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 272**

[EPA–R06–RCRA–2022–0756; FRL–12557–02–R6]

Arkansas: Incorporation by Reference of Approved State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule codifies in the regulations the prior approval of Arkansas’ hazardous waste management program and incorporates by reference authorized provisions of the State’s statutes and regulations. The Environmental Protection Agency (EPA) uses the regulations entitled “Approved

State Hazardous Waste Management Programs” to provide notice of the authorization status of State programs and to incorporate by reference those provisions of the State statutes and regulations that are authorized, and that EPA will enforce under the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act (RCRA). The EPA previously provided notices and opportunity for comments on the Agency’s decisions to authorize the State of Arkansas program and the EPA is not now reopening the decisions, nor requesting comments, on the Arkansas authorizations as previously published in the **Federal Register** documents specified in section I.C of this final rule document.

DATES: This rule is effective December 18, 2025. The Director of the Federal Register approved this incorporation by reference as of December 18, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–RCRA–2022–0756. All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some of the 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, will be publicly available only in hard copy. Publicly available docket materials are available electronically through www.regulations.gov. For alternative access to docket materials, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, EPA Region 6 Regional Authorization/Codification Coordinator, RCRA Permit Section (LCR–RP), Land, Chemicals and Redevelopment Division, EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270, phone number: (214) 665–8533, or 214–235–7070 email address: patterson.alima@epa.gov. The EPA Region 6 office is open from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:**I. Incorporation by Reference***A. What is codification?*

Codification is the process of placing a State’s statutes and regulations that comprise the State’s authorized hazardous waste management program into the Code of Federal Regulations (CFR). Section 3006(b) of RCRA, as amended, allows the EPA to authorize

State hazardous waste management programs to operate in lieu of the Federal hazardous waste management regulatory program. The EPA codifies its authorization of State programs in 40 CFR part 272 and incorporates by reference State statutes and regulations that the EPA will enforce under sections 3007 and 3008 of RCRA and any other applicable statutory provisions.

The incorporation by reference of State authorized programs in the CFR should substantially enhance the public’s ability to discern the current status of the authorized State program and State requirements that can be Federally enforced. This effort provides clear notice to the public of the scope of the authorized program in each State.

B. Why wasn’t there a proposed rule before this rule?

The EPA is publishing this rule to codify Arkansas’ authorized hazardous waste management program without a prior proposal because we believe this action is not controversial. The reason being that, in accordance with section 3006(b) of RCRA, EPA has already evaluated the State’s regulatory and statutory requirements and has determined that the State’s program meets the statutory and regulatory requirements established by RCRA. The EPA previously provided notices and opportunity for comments on the Agency’s decisions to authorize the Arkansas program. The EPA is not now reopening the decisions, nor requesting new comments, on the Arkansas authorizations as previously published in the **Federal Register** documents specified in section I.C of this preamble. The previous authorizations form the basis for the codification addressed in this final rule.

C. What is the history of the authorization and codification of Arkansas’ hazardous waste management program?

The State of Arkansas initially received final authorization on January 11, 1985, effective January 25, 1985 (50 FR 1513), to implement its Base Hazardous Waste Management Program. We granted authorization for changes to their program on August 23, 1985, via EPA letter, effective August 23, 1985; March 27, 1990 (55 FR 11192), effective May 29, 1990; September 18, 1991 (56 FR 47153), effective November 18, 1991; October 5, 1992 (57 FR 45721), effective December 4, 1992; October 12, 1993 (58 FR 52674), effective December 13, 1993; October 7, 1994 (59 FR 51115), effective December 21, 1994; June 20, 1995 (60 FR 32112), effective August 21, 1995; April 24, 2002 (67 FR 20038), effective

June 24, 2002, as amended June 28, 2010 (75 FR 36538); August 15, 2007 (72 FR 45663), effective October 15, 2007, as amended June 28, 2010 (75 FR 36538); June 28, 2010 (75 FR 36538), effective August 27, 2010; August 10, 2012 (77 FR 47779), effective October 9, 2012; October 2, 2014 (79 FR 59438), effective December 1, 2014; October 31, 2014 (79 FR 64678), effective December 30, 2014; January 29, 2016 (81 FR 4961), effective March 29, 2016; August 11, 2016. (81 FR 53025), effective October 11, 2016; September 14, 2017 (82 FR 43185), effective November 13, 2017; and November 23, 2021 (86 FR 66460); effective November 23, 2021.

The EPA incorporated by reference Arkansas' then authorized hazardous waste program effective December 13, 1993 (58 FR 52674), August 21, 1995 (60 FR 32112), August 27, 2010 (75 FR 36538), December 1, 2014 (79 FR 59438), March 29, 2016 (81 FR 4961) and November 13, 2017 (82 FR 43185). In this document, the EPA is revising 40 CFR part 272, subpart E to include the authorization revision actions effective November 23, 2021 (86 FR 66460).

D. What codification decisions have we made in this rule?

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of "EPA-Approved Arkansas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program," dated November 2021, which includes authorized revisions to the hazardous waste management program of the State of Arkansas, effective as of November 23, 2021, and set forth below in the amendments to 40 CFR 272.201. The EPA has made, and will continue to make, this document available electronically through www.regulations.gov and in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

The purpose of this **Federal Register** document is to codify the EPA's authorization of Arkansas' base hazardous waste management program and the State's revisions to that program. The document incorporates by reference "EPA-Approved Arkansas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program," dated November 2021, and clarifies which of these provisions are included in the authorized and Federally enforceable program. By codifying Arkansas' authorized program and by amending

the CFR, the public will be more easily able to discern the status of Federally-approved requirements of the Arkansas hazardous waste management program.

The EPA is incorporating by reference the Arkansas authorized hazardous waste program in 40 CFR part 272, subpart E. Section 272.201(c)(1) incorporates by reference "EPA-Approved Arkansas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program," dated November 2021. Section 272.201 also references material which is not being incorporated by reference, but which the EPA considered in determining the adequacy of Arkansas' program. Section 272.201(c)(2) references sections of the Arkansas statutes and regulations which provide the legal basis for the State's implementation of the hazardous waste management program. In addition, 40 CFR 272.201(c)(4) through (6) reference the Memorandum of Agreement, the Attorney General's Statements, and the Program Description, respectively. These documents are evaluated as part of the approval process of the hazardous waste management program in accordance with subtitle C of RCRA but are not part of the material to be incorporated by reference.

State provisions that are "broader in scope" than the Federal program are not incorporated by reference in 40 CFR part 272. For reference and clarity, the EPA lists in 40 CFR 272.201(c)(3) the Arkansas statutory and regulatory provisions that are "broader in scope" than the Federal program, and which are not part of the authorized program being incorporated by reference. While "broader in scope" provisions are not part of the authorized program and cannot be enforced by the EPA, the State may enforce such provisions under State law.

E. What is the effect of Arkansas' codification on enforcement?

The EPA retains its authority under statutory provisions, including but not limited to, RCRA sections 3007, 3008, 3013, and 7003, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions and to issue orders in authorized States. With respect to these actions, the EPA will rely on Federal sanctions, Federal inspection authorities, and Federal procedures rather than any authorized State analogs to these provisions. Therefore, the EPA is not incorporating by reference such particular, approved Arkansas procedural and enforcement authorities. Section 272.201(c)(2) lists the statutory and regulatory provisions which

provide the legal basis for the State's implementation of the hazardous waste management program, as well as those procedural and enforcement authorities that are part of the State's approved program, but these are not incorporated by reference.

F. What State provisions are not part of the codification?

The public needs to be aware that some provisions of Arkansas' hazardous waste management program are not part of the Federally authorized State program. These non-authorized provisions include:

- (1) Provisions that are not part of the RCRA subtitle C program because they are "broader in scope" than RCRA subtitle C (see 40 CFR 271.1(i));
- (2) Federal rules or provisions for which Arkansas is not authorized because they are not delegable to States; and
- (3) Unauthorized State requirements. State provisions that are "broader in scope" than the Federal program are not part of the RCRA authorized program, and the EPA will not enforce them. Therefore, they are not incorporated by reference in 40 CFR part 272. For reference and clarity, 40 CFR 272.201(c)(3) lists the Arkansas regulatory provisions which are "broader in scope" than the Federal program and which are not part of the authorized program being incorporated by reference. "Broader in scope" provisions cannot be enforced by the EPA; the State, however, may enforce such provisions under State law.

Additionally, Arkansas' hazardous waste regulations include provisions that contain purely Federal functions for which States cannot receive authorization from EPA. The non-delegable Federal program areas include import/export requirements reserved as part of the Federal foreign relations function, certain land disposal restriction considerations that require examination of national concerns, and manifest registry and electronic manifest functions administered solely by the EPA. Arkansas has appropriately adopted these provisions by leaving the authority with the EPA for implementation and enforcement.

State regulations that are not incorporated by reference in this rule at 40 CFR 272.201(c)(1), or that are not listed in 40 CFR 272.201(c)(2) ("legal basis for the State's implementation of the hazardous waste management program") or 40 CFR 272.201(c)(3) ("broader in scope"), are considered unauthorized State requirements. These requirements are not Federally enforceable.

With respect to any requirement pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) for which the State has not yet been authorized, the EPA will continue to enforce the Federal HSWA standards until the State is authorized for these provisions.

G. What will be the effect of Federal HSWA requirements on the codification?

The EPA is not amending 40 CFR part 272 to include HSWA requirements and prohibitions that are implemented by the EPA. Section 3006(g) of RCRA provides that any HSWA requirement or prohibition (including implementing regulations) takes effect in authorized and not authorized States at the same time. A HSWA requirement or prohibition supersedes any less stringent or inconsistent State provision which may have been previously authorized by the EPA (50 FR 28702, July 15, 1985). The EPA has the authority to implement HSWA requirements in all States, including authorized States, until the States become authorized for such requirement or prohibition. Authorized States are required to revise their programs to adopt the HSWA requirements and prohibitions, and then to seek authorization for those revisions pursuant to 40 CFR part 271.

Instead of amending the 40 CFR part 272 every time a new HSWA provision takes effect under the authority of RCRA section 3006(g), the EPA will wait until the State receives authorization for its analog to the new HSWA provision before amending the State's 40 CFR part 272 incorporation by reference. Until then, persons wanting to know whether a HSWA requirement or prohibition is in effect should refer to 40 CFR 271.1(j), as amended, which lists each such provision.

Some existing State requirements may be similar to the HSWA requirement implemented by the EPA. However, until the EPA authorizes those State requirements, the EPA can only enforce the HSWA requirements and not the State analogs. The EPA will not codify those State requirements until the State receives authorization for those requirements.

II. Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action incorporates by reference Arkansas' authorized

hazardous waste management regulations and imposes no additional requirements beyond those imposed by State law. Therefore, this action is not subject to review by OMB. This action is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because actions such as this codification of Arkansas' revised hazardous waste program under RCRA are exempted under Executive Order 12866. Accordingly, I certify that this action 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.*). Because this action incorporates by reference pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely incorporates by reference existing State requirements as part of the State RCRA hazardous waste management program without altering the relationship or the distribution of power and responsibilities established by RCRA.

This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant, and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the

requirements of RCRA. The requirements being codified are the result of Arkansas' voluntary participation in the EPA's State program authorization process under RCRA Subtitle C. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the “Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). “Burden” is defined at 5 CFR 1320.3(b).

The Congressional Review Act, 5 U.S.C. 801–808, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 272

Environmental Protection, Hazardous waste, Hazardous materials transportation, Incorporation by reference, Intergovernmental relations, Water pollution control, Water supply.

Dated: October 29, 2025.

Walter Mason,

Regional Administrator, Region 6.

For the reasons set forth in the preamble, under the authority at 42 U.S.C. 6912(a), 6926, and 6974(b), the EPA is amending 40 CFR part 272 as follows:

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

■ 1. The authority citation for part 272 continues to read as follows:

Authority: Secs. 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

■ 2. Revise § 272.201 to read as follows:

§ 272.201 Arkansas State-Administered program: Final authorization.

(a) *History of the State of Arkansas authorization.* Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted Arkansas final authorization for the following elements as submitted to EPA in Arkansas' Base program application for final authorization which was approved by EPA effective on January 25, 1985. Subsequent program revision applications were approved effective on May 29, 1990; November 18, 1991; December 4, 1992; December 21, 1994; June 24, 2002; October 15, 2007; August 27, 2010; October 9, 2012, December 1, 2014, December 30, 2014, March 29, 2016, October 11, 2016, November 13, 2017, and November 23, 2021.

(b) *Enforcement authority.* The State of Arkansas has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) *State statutes and regulations.* (1) *Incorporation by reference.* The Arkansas statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the EPA and at the National Archives and Records Administration (NARA). Contact EPA at EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270; phone: (214) 665-8533; email: patterson.alima@epa.gov. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/

br-locations or email fr.inspection@nara.gov. The material may be obtained from the Arkansas Department of Environmental Quality (ADEQ) at the Public Outreach Office, ADEQ, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317; phone: (501) 682-0923; website: <http://www.adeq.state.ar.us/regs/default.htm>.

(i) EPA-Approved Arkansas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated November, 2021. Only those provisions that have been authorized by EPA and included in the compilation are incorporated by reference (see appendix A to this part).

(ii) [Reserved].

(2) *Legal basis.* The following provisions provide the legal basis for the State's implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities:

(i) Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, Title 4, Business and Commercial Law, Chapter 75: Section 4-75-601(4) "Trade Secret".

(ii) Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2019 Supplement, Title 8, Environmental Law, Chapter 1: Section 8-1-107.

(iii) Arkansas Hazardous Waste Management Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2019 Supplement (except as noted), Title 8, Environmental Law, Chapter 7, Subchapter 2: Sections 8-7-202, 8-7-204 (except 8-7-204(e)(3)(B)), 8-7-205, 8-7-206, 8-7-207 (2011 Replacement), 8-7-208 through 8-7-210, 8-7-211 (2011 Replacement), 8-7-212 through 8-7-214, 8-7-217, 8-7-218, 8-7-220, 8-7-222, 8-7-224, 8-7-225(b) through 8-7-225(d), and 8-7-227.

(iv) Arkansas Resource Reclamation Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2019 Supplement (except as noted), Title 8, Environmental Law, Chapter 7, Subchapter 3: Sections 8-7-302(3), 8-7-303 (2011 Replacement), and 8-7-308.

(v) Remedial Action Trust Fund Act of 1985, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2019 Supplement, (except as noted) Title 8, Environmental Law, Chapter 7, Subchapter 5: Sections 8-7-503(6) and (7), 8-7-505(3), 8-7-507 (2011 Replacement), 8-7-508, 8-7-511, and 8-7-512.

(vi) Arkansas Freedom of Information Act (FOIA) of 1967, as amended, Arkansas Code of 1987 Annotated

(A.C.A.), 2011 Replacement, as amended by the 2019 Supplement (except as noted), Title 25, State Government, Chapter 19: Sections 25-19-103(1) (2011 Replacement), 25-19-105, 25-19-107 (2011 Replacement).

(vii) Arkansas Pollution Control and Ecology (APC&E) Commission, Regulation No. 7, Civil Penalties, July 24, 1992.

(viii) Arkansas Pollution Control and Ecology (APC&E) Commission, Regulation No. 8, Administrative Procedures, February 12, 2009.

(ix) Arkansas Pollution Control and Ecology (APC&E) Commission Rule No. 23, Hazardous Waste Management, as amended August 27, 2020, effective October 2, 2020, Chapter One; Chapter Two, Sections 1, 2, 3(a), 3(b)(3), 4, 260.2(a), (b), and (d), 260.20(c) through (f), 261 Appendix IX, 270.7(h) and (j), 270.10(e)(8), 270.34, and 19; Chapter Three, Sections 21 and 22; and Chapter Five, Section 28.

(3) *Related legal provisions.* The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) Arkansas Hazardous Waste Management Act, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2019 Supplement, Title 8, Environmental Law, Chapter 7, Subchapter 2: Section 8-7-226.

(ii) Arkansas Pollution Control and Ecology (APC&E) Commission Regulation No. 23, Hazardous Waste Management, as amended August 27, 2020, effective October 2, 2020, Chapter Two, Sections 6, 262.19(a), 263.10(e), 263.13, 264.71(e), and 265.71(e).

(4) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VI and the State of Arkansas, signed by the Executive Director of the Arkansas Department of Environmental Quality (ADEQ) on March 1, 2021, and by the EPA Regional Administrator on June 4, 2021, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(5) *Statement of legal authority.* "Attorney General's Statement for Final Authorization", signed by the Attorney General of Arkansas on July 9, 1984 and revisions, supplements, and addenda to that Statement dated September 24, 1987, February 24, 1989, December 11, 1990, May 7, 1992 and by the Independent Legal Counsel on May 10, 1994, February 2, 1996, March 3, 1997, July 31, 1997, December 1, 1997, December 12, 2001, July 27, 2006,

December 12, 2010, October 1, 2012, December 7, 2015, and January 26, 2021 are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

■ 3. Appendix A to part 272 is amended by revising the listing for “Arkansas” to read as follows:

Appendix A to Part 272—State Requirements

* * * * *

Arkansas

The statutory provisions include: Arkansas Hazardous Waste Management Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2019 Supplement, Title 8, Environmental Law, Chapter 7, Subchapter 2; Sections 8–7–203, 8–7–215, 8–7–216, 8–7–219, 8–7–221, 8–7–223 and 8–7–225(a).

Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2019 Supplement, Title 8, Environmental Law, Chapter 10, Subchapter 3: Section 8–10–301(d).

Copies of the Arkansas statutes that are incorporated by reference are available from the Arkansas Department of Environmental Quality at the Public Outreach Office, ADEQ, 5301 Northshore Drive, North Little Rock, Arkansas 72118–5317; phone: (501) 682–0923; website: <http://www.adeq.state.ar.us/regs/default.htm>.

The regulatory provisions include:

Arkansas Pollution Control and Ecology (APC&E) Commission Rule No. 23, Hazardous Waste Management, as amended August 27, 2020 and effective October 2, 2020, and where indicated, provisions as amended September 25, 2015, effective October 18, 2015.

Chapter Two, Section 3—Amendment and Update of Rule No. 23 (Hazardous Waste Management)—3(b) introductory paragraph; 3(b)(2); and 3(b)(4).

Section 260—Hazardous Waste Management System—General—260.1; 260.3; 260.4, 260.5, 260.10 (except the definition “consolidation”, the phrase “a written permit issued by the Arkansas Highway and Transportation Department authorizing a person to transport hazardous waste (Hazardous Waste Transportation Permit), or” in the definition for “permit”, and the duplicated definition “user of the electronic manifest system”); 260.11; 260.20 (except 260.20(c) through (f)); 260.21; 260.23; 260.30 through 260.34, 260.40 through 260.43.

Section 261—Identification and Listing of Hazardous Waste—261.1; 261.2 (except 261.2(a)(2)(ii)); 261.2(a)(2)(ii) (October 18, 2015), 261.3; 261.4; 261.6 (except 261.6(a)(5)); 261.7 through 261.11; 261.20

through 261.24; 261.30 through 261.33; 261.35; 261.39 through 261.41; 261.140 through 261.143; 261.147 through 261.150; 261.170 through 261.179; 261.190; 261.191; 261.193; 261.194; 261.196 through 261.200; 261.400; 261.410; 261.411; 261.420; 261.1030 through 261.1035; 261.1050 through 261.1064; 261.1080 through 261.1084; 261.1086 through 261.1089; and Appendices I, VII, and VIII.

Section 262—Standards Applicable to Generators of Hazardous Waste—262.1; 262.10 (except 262.10(d)); 262.11; 262.13 through 262.18; 262.19(b) through (d); 262.20; 262.22 through 262.24; 262.27; 262.30 through 262.33; 262.35; 262.40; 262.41 (except 262.41(f)); 262.42; 262.43; 262.70; 262.200 through 262.216; 262.230 through 262.233; 262.250 through 262.256; and 262.260 through 262.265.

Section 263—Standards Applicable to Transporters of Hazardous Waste—263.10 (except 263.10(d) and (e)); 263.11; 263.12; 263.20 (except 263.20(g)(4)); 263.21; 263.22; 263.25; 263.30; and 263.31.

Section 264—Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities—264.1; 264.3; 264.4; 264.10; 264.11; 264.12 (except 264.12(a)(2)); 264.13 through 264.19; 264.20(a) through (c); 264.30 through 264.35; 264.37; 264.50 through 264.56; 264.70; 264.71 (except 264.71(a)(3), (d), and (e)); 264.72 through 264.77; 264.90 through 264.101; 264.110 through 264.120; 264.140; 264.141 (except the definition of “captive insurance” at 264.141(f)); 264.142; 264.143 (except the last sentence of 264.143(e)(1)); 264.144; 264.145 (except the last sentence of 264.145(e)(1)); 264.146; 264.147 (except the last sentences of 264.147(a)(1)(ii) and 264.147(b)(1)(ii)); 264.148; 264.151; 264.170 through 264.179; 264.190 through 264.194; 264.195 (except 264.195(e)); 264.195(e) (October 18, 2015); 264.196 through 264.200; 264.220 through 264.223; 264.226 through 264.232; 264.250 through 264.254; 264.256 through 264.259; 264.270 through 264.273; 264.276; 264.278 through 264.283; 264.300 through 264.304; 264.309; 264.310; 264.312 through 264.317; 264.340 through 264.345; 264.347; 264.351; 264.550 through 264.555; 264.570 through 264.575; 264.600 through 264.603; 264.1030 through 264.1036; 264.1050 through 264.1065; 264.1080 through 264.1090; 264.1100 through 264.1102; 264.1200 through 1202; and Appendices I, IV, V, and IX.

Section 265—Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities—265.1; 265.4; 265.10; 265.11; 265.12 (except 265.12(a)(2)); 265.13 through 265.19; 265.30 through 265.35; 265.37; 265.50 through 265.56; 265.70; 265.71 (except 265.71(a)(3), (d), and (e)); 265.72 through 265.77; 265.90 through 265.94; 265.110 through 265.121; 265.140; 265.141 (except the definition of “captive insurance” at 265.141(f)); 265.142; 265.143 (except the last sentence of 265.143(d)(1)); 265.144 through 265.146; 265.147 (except the last sentences of 265.147(a)(1) and 265.147(b)(1)); 265.148; 265.170 through 265.174; 265.176 through 265.178; 265.190 through 265.200; 265.202; 265.220 through 265.226; 265.228 through

265.231; 265.250 through 265.260; 265.270; 265.272; 265.273; 265.276; 265.278 through 265.282; 265.300 through 265.304; 265.309; 265.310; 265.312 through 265.316; 265.340; 265.341; 265.345; 265.347; 265.351; 265.352; 265.370; 265.373; 265.375; 265.377; 265.381 through 265.383; 265.400 through 265.406; 265.430; 265.440 through 265.445; 265.1030 through 265.1035; 265.1050 through 265.1064; 265.1080 through 265.1090; 265.1100 through 265.1102; 265.1200 through 265.1202; Appendix I; and Appendices III through VI.

Section 266—Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities—266.20 through 266.23; 266.70 (except 266.70(b)(3)); 266.80 (except items 6 and 7 in the 266.80(a) table); 266.100 through 266.112; 266.200 through 266.206; 266.210; 266.220; 266.225; 266.230; 266.235; 266.240; 266.245; 266.250; 266.255; 266.260; 266.305; 266.310; 266.315; 266.320; 266.325; 266.330; 266.335; 266.340; 266.345; 266.350; 266.355; 266.360; and Appendices I through XIII.

Section 267—Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a Standardized Permit—267.1 through 267.3; 267.10 through 267.18; 267.30 through 267.36; 267.50 through 267.58; 267.70 through 267.76; 267.90; 267.101; 267.110 through 267.113; 267.115 through 267.117; 267.140 through 267.143; 267.147 through 267.151; 267.170 through 267.177; 267.190 through 267.204; and 267.1100 through 267.1108.

Section 268—Land Disposal Restrictions—268.1; 268.2 through 268.4, 268.7; 268.9; 268.13; 268.14; 268.20, 268.30 through 268.39; 268.40 (except 268.40(e)(1)–(4) and 268.40(i)); 268.41; 268.42 (except 268.42(b)); 268.43; 268.45; 268.46; 268.48 through 268.50; and Appendices III, IV, VI through IX, and XI.

Section 270—Administered Permit Programs: The Hazardous Waste Permit Program—270.1 through 270.6; 270.7 (except 270.7(h) and (j)); 270.10 (except 270.10(e)(8)); 270.11 through 270.33; 270.40 through 270.43; 270.50; 270.51; 270.60 through 270.68; 270.70 through 270.73; 270.79; 270.80; 270.85; 270.90; 270.95; 270.100; 270.105; 270.110; 270.115; 270.120; 270.125; 270.130; 270.135; 270.140; 270.145; 270.150; 270.155; 270.160; 270.165; 270.170; 270.175; 270.180; 270.185; 270.190; 270.195; 270.200; 270.205; 270.210; 270.215; 270.220; 270.225; 270.230; 270.235; 270.250; 270.255; 270.260; 270.270; 270.275; 270.280; 270.290; 270.300; 270.305; 270.310; 270.315; and 270.320.

Section 273—Standards for Universal Waste Management—273.1 through 273.4; 273.5 (except 273.5(b)(3)); 273.6; 273.8 through 273.20; 273.30 through 273.40; 273.50 through 273.56; 273.60 through 273.62; 273.70 (except 273.70(d)); 273.80; and 273.81.

Section 279—Standards for the Management of Used Oil—279.1; 279.10; 279.11; 279.12; 279.20 through 279.24; 279.30 through 279.32; 279.40 through 279.47; 279.50 through 279.67; 279.70 through 279.75; 279.80; 279.81; and 279.82(a).

Copies of the Arkansas regulations that are incorporated by reference are available from

the Arkansas Department of Environmental Quality website at the Public Outreach Office, ADEQ, 5301 Northshore Drive, North Little Rock, Arkansas 72118–5317; phone: (501) 682–0923; website: <http://www.adeq.state.ar.us/regs/default.htm>.

* * * * *

[FR Doc. 2025–20237 Filed 11–17–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 241212–0326; RTID 0648–XF232]

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the 2025 Specifications

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS increases the 2025 Atlantic herring annual catch limit and Area 1A sub-annual catch limit by 1,000 metric tons (mt) for the remainder of 2025. This action is required by the

herring regulations when, based on data through October 1, 2025, NMFS determines that the New Brunswick weir fishery has landed less than 2,722 mt of herring. This notification informs the public of these catch limit changes.

DATES: Effective November 17, 2025 through December 31, 2025.

FOR FURTHER INFORMATION CONTACT:

Ashley Trudeau, Fishery Resource Management Specialist, (978) 281–9252, ashley.trudeau@noaa.gov.

SUPPLEMENTARY INFORMATION:

NMFS published final 2025 specifications for the Atlantic Herring Fishery Management Plan on December 18, 2024 (89 FR 103695), establishing the 2025 annual catch limit (ACL) and area sub-ACLs. Table 1 shows the current herring specifications for 2025, and the specifications as revised by this action for the remainder of the calendar year.

The NMFS Regional Administrator tracks herring landings in the New Brunswick weir fishery each year. The regulations at 50 CFR 648.201(h) require that if the New Brunswick weir fishery landings through October 1 are determined to be less than 2,722 mt, then NMFS subtracts 1,000 mt from the management uncertainty buffer and reallocates that amount to the ACL and Area 1A sub-ACL. When such a determination is made, NMFS is

required to notify the New England Fishery Management Council and publish the ACL and Area 1A sub-ACL adjustment in the **Federal Register**.

Information from Canada's Department of Fisheries and Oceans indicates that the New Brunswick weir fishery landed 1,223 mt of herring through October 1, 2025. Therefore, the Regional Administrator determined that, effective November 17, 2025, 1,000 mt will be reallocated from the management uncertainty buffer to the Area 1A sub-ACL and the ACL. This 1,000 mt reallocation increases the Area 1A sub-ACL from 783 mt to 1,783 mt and the ACL from 2,710 mt to 3,710 mt for the remainder of 2025.

Additionally, NMFS will use the adjusted allocations when it projects whether catch from Area 1A will reach 92 percent of the Area 1A sub-ACL, or whether overall herring catch will reach 95 percent of the ACL. When Area 1A catch is projected to reach 92 percent of the Area 1A sub-ACL, catch from this area is reduced to 2,000 pounds (lb; 907.2 kilograms (kg)) of herring per trip, per calendar day. When overall catch is projected to reach 95 percent of the ACL, then catch in or from all herring management areas is limited to 2,000 lb (907.2 kg) of herring per trip, per calendar day.

TABLE 1—ATLANTIC HERRING SPECIFICATIONS FOR 2025

	Current specifications (mt)	Adjusted specifications (mt)
Overfishing Limit	18,273	18,273
Acceptable Biological Catch	6,741	6,741
Management Uncertainty	4,031	3,031
Optimum Yield/ACL	2,710	3,710
Domestic Annual Harvest	2,710	3,710
Border Transfer	0	0
Domestic Annual Processing	2,710	3,710
U.S. At-Sea Processing	0	0
Area 1A Sub-ACL (28.9 percent)	783	1,783
Area 1B Sub-ACL (4.3 percent)	117	117
Area 2 Sub-ACL (27.8 percent)	753	753
Area 3 Sub-ACL (39 percent)	1,057	1,057
Fixed Gear Set-Aside	30	30
Research Set-Aside	0%	0%

The New England Fishery Management Council recommended, and NMFS proposed new 2025–2027 Atlantic herring specifications (FR 90 26955, June 25, 2025). If NMFS implements the new specifications, NMFS will reevaluate the 2025 ACL and Area 1A sub-ACL through the final action for the specifications.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens

Act. This action is required by 50 CFR part 648, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on this inseason adjustment because it would be unnecessary and contrary to the public interest. This action allocates a portion of the management uncertainty buffer to the

ACL and Area 1A sub-ACL for the remainder of the calendar year pursuant to a previously published regulation that provides no discretionary decision-making. This reallocation process was the subject of prior notice and comment rulemaking. The adjustment is routine and formulaic, required by regulation, and is expected by industry. The potential to reallocate the management uncertainty buffer was also outlined in the 2023–2025 herring specifications that were published March 23, 2023 (88

FR 17397). Further, this reallocation provides additional economic opportunity for the herring fleet. If implementation of this action is delayed to solicit public comment, the objective of the fishery management plan to achieve optimum yield in the fishery could be compromised. Deteriorating weather conditions during the latter part of the year may reduce fishing effort and

could also prevent the ACL from being fully harvested. This would result in a negative economic impact on vessels permitted to fish in this fishery. Based on these considerations, NMFS further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: November 14, 2025.

Kelly Denit,

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

[FR Doc. 2025–20206 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 90, No. 220

Tuesday, November 18, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

[Doc. No. AMS–SC–24–0061]

Tart Cherries Grown in the States of Michigan, et al.; Free and Restricted Percentages for the 2024–25 Crop Year

AGENCY: Agricultural Marketing Service, Department of Agriculture (USDA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the Cherry Industry Administrative Board (Board) to establish free market tonnage percentages (free percentages) and restricted percentages for the 2024–25 crop year under the Federal marketing order for tart cherries grown in the states of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. This action would establish the proportion of tart cherries from the 2024–25 crop which may be handled in commercial outlets. This action should stabilize marketing conditions by adjusting supply to meet market demand and help improve grower returns.

DATES: Comments must be received by December 18, 2025.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments can be sent to the Docket Clerk, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237. Comments can also be sent to the Docket Clerk electronically by email: MarketingOrderComment@usda.gov or via the internet at: <https://www.regulations.gov>. Comments should reference the document number, the date, and the page number of this issue of the **Federal Register**. Comments submitted in response to this proposed rule will be included in the record, will be made available to the public, and can

be viewed at: <https://www.regulations.gov>. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT:

Steven W. Kauffman, Marketing Specialist, or Christian D. Nissen, Chief, Southeast Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA; telephone: (863) 324–3375; or email: Steven.Kauffman@usda.gov or Christian.Nissen@usda.gov.

Small businesses may request information on complying with this regulation by contacting Antoinette Carter, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–8085; or email: Antoinette.Carter@usda.gov.

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes to amend regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Order No. 930, as amended (7 CFR part 930), regulating the handling of tart cherries produced in the states of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. Part 930 (referred to as the “Order”) is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.” The Board locally administers the Order and is comprised of growers and handlers of tart cherries operating within the production area, and a public member.

The Agricultural Marketing Service (AMS) is issuing this proposed rule in conformance with Executive Order 12866, as amended by Executive Order 13563. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action falls within a category of regulatory actions

that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

This proposed rule has been reviewed under Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments,” which requires Federal agencies to consider whether their rulemaking actions would have Tribal implications. AMS has determined that this proposed rule is unlikely to 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.

This proposed rule has been reviewed under Executive Order 12988, “Civil Justice Reform.” Under the Order provisions now in effect, free and restricted percentages may be established for tart cherries for the 2024–25 crop year. This proposed rule would establish free and restricted percentages for the 2024–2025 crop year, beginning July 1, 2024, through June 30, 2025.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the U.S. Department of Agriculture (USDA) a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA’s ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rule would establish the proportion of tart cherries from the 2024–25 crop year which may be handled at 81 percent free and 19 percent restricted. The Secretary of Agriculture (Secretary) has determined that designating free and restricted percentages of tart cherries for the 2024–25 crop year would effectuate the

declared policy of the Act to stabilize marketing conditions by adjusting supply to meet market demand and help improve grower returns. These recommendations were made by the Board at a meeting on September 12, 2024.

Section 930.51(a) of the Order provides the Secretary authority to regulate volume by designating free and restricted percentages for any tart cherries acquired by handlers in a given crop year. Section 930.50 prescribes procedures for computing an optimum supply based on sales history and for calculating these free and restricted percentages. Free percentage volume may be shipped to any market, while restricted percentage volume must be held by handlers in a primary or secondary reserve, be diverted, or used for exempt purposes as prescribed in §§ 930.159 and 930.162. Exempt purposes include, in part, the development of new products, sales into new markets, the development of export markets, and charitable contributions. Sections 930.55 through 930.57 prescribe procedures for inventory reserves. For tart cherries held in reserve, handlers would be responsible for storage and would retain title of the tart cherries.

Under § 930.52, only districts in which the average annual production of cherries over the prior three years has exceeded six million pounds are subject to volume regulation, and any district producing a crop that is less than 50 percent of its annual average processed production in the previous five years would be exempt from any volume regulation. The regulated districts for the 2024–25 crop year would be: District 1—Northern Michigan; District 2—Central Michigan; District 3—Southern Michigan; District 4—New York; District 7—Utah; District 8—Washington; and District 9—Wisconsin. Districts 5 and 6 (Oregon and Pennsylvania, respectively) would not be regulated for the 2024–25 season.

Demand for tart cherries and tart cherry products tends to be relatively stable despite the variance in production volume that the industry may experience from year to year. Additionally, once processed, tart cherries can be stored and carried over from crop year to crop year, further impacting supply. The Board is aware of this economic relationship and focuses on using the volume control provisions in the marketing order to balance supply and demand to stabilize industry returns.

Pursuant to § 930.50, the Board meets on or about July 1 of each crop year to review sales data, inventory data,

current crop forecasts, and market conditions for the upcoming season and, if necessary, to recommend preliminary free and restricted percentages if anticipated supply would exceed demand. After harvest is complete, but no later than September 15 of each crop year, the Board meets again to update its calculations using actual production data, consider any necessary adjustments to the preliminary percentages, and determine if final free and restricted percentages should be recommended to the Secretary.

The Board uses sales history, inventory, and production data to determine whether a surplus exists and how much volume should be restricted to maintain optimum supply. The optimum supply represents the desirable volume of tart cherries that should be available for sale in the coming crop year. The optimum supply value is calculated by determining the average free sales of the prior three years, reduced by average sales that represent dispositions of exempt cherries and restricted percentage cherries qualifying for diversion credit for the same three years, plus desirable carry-out inventory. Desirable carry-out is the amount of fruit needed by the industry to be carried into the succeeding crop year to meet market demand until the new crop is available. Desirable carry-out is recommended by the Board after considering market circumstances and needs. Section 930.151 specifies that desirable carry-out can range from zero to a maximum of 100 million pounds.

In addition, § 930.50(g) specifies that in years when restricted percentages are established, the Board shall make available tonnage equivalent to an additional 10 percent of the average sales of the prior three years for market expansion. This requirement conforms with the USDA's "Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders" (<http://www.ams.usda.gov/publications/content/1982-guidelines-fruit-vegetable-marketing-orders>, pg. 12) which specifies that 110 percent of recent years' sales should be made available to primary markets each season before recommendations for volume regulation are approved.

After the Board determines the optimum supply, desirable carry-out, and market expansion factor, it must examine the current year's available volume to determine whether an oversupply might occur. Available volume includes carry-in inventory (any inventory available at the beginning of the season) along with that season's production. If production plus

the carry-in inventory is greater than the optimum supply (3-year sales average plus the targeted carry-out), then the difference is considered surplus. The ten percent market expansion factor and any economic adjustments recommended by the Board are then subtracted from this surplus number to arrive at an adjusted surplus. This adjusted surplus tonnage is divided by the sum of production in the regulated districts to reach a restricted percentage. This percentage must be held in reserve or used for approved diversion activities, such as exports, new products, or new market activities.

The Board met on June 20, 2024, to discuss whether supply would exceed demand for the 2024–25 crop year. After some discussion, the Board unanimously supported an estimated crop of 247.3 million pounds for the 2024–25 season. Next, the Board computed an optimum supply of 268.3 million pounds for the 2024–25 crop year using the three-year average of free sales (191.6 million pounds) plus a recommended desirable carry-out of 76.7 million pounds.

In determining the carry-out figure, the Board members discussed the findings of the committee established by the Board to review the way volume control is calculated, including carry-out. The committee looked at the five-year average movement for June (18.8 million pounds), July (19.3 million pounds), August (19.3 million pounds), and September (19.3 million pounds) for an average carry-out of 76.7 million pounds. It was also reported that the numbers were consistent from year to year, and based on the historical data, would be reflective of what would be needed for carry-out for the 2024–25 season. One member questioned if the industry really needed four months of inventory or if three or three and half months would be a better indicator of needed carry-out. Other members voiced concerns about how reflective these numbers were of the different market segments.

The Board also considered setting carry-out volume the same as last year at 85 million pounds. Several members expressed that 85 million pounds was too large for this season's carry-out since the carry-in inventory was above 90 million pounds from last season. After considering a range of alternatives between 75 to 85 million pounds, the Board unanimously recommended a carry-out of 76.7 million pounds.

To calculate the production quantity needed from the 2024–25 crop to meet optimum supply, the Board subtracted the carry-in inventory available on June 1, 2024, of 93.1 million pounds from the

optimum supply (268.3 million pounds). This number, 175.2 million pounds, was then subtracted from the Board's estimated 2024–25 total production of 247.3 million pounds (from regulated and unregulated districts) to calculate a surplus of 72.1 million pounds of tart cherries.

The Board then discussed whether this calculation would supply enough cherries to grow sales, account for this season's economic demands, and fulfill orders that have not yet shipped. The Board discussed making an economic adjustment based on some fruit quality concerns from the weather in Michigan and reports of European crops being short this year which could increase demand for domestic fruit. After discussing multiple motions for an economic adjustment ranging from 0 to 10 million pounds, the Board recommended a preliminary economic adjustment of 5 million pounds at the June meeting.

The Board also complied with the market expansion factor requirement by removing 19.2 million pounds (average sales for prior three years of 191.6 million times 10 percent) from the 72.1 million pounds of surplus. The adjusted surplus of 47.9 million pounds (72.1 million pounds – 19.2 million pounds – 5 million pounds for the economic adjustment) was then divided by the expected production in the regulated

districts (245.5 million pounds) to reach a preliminary restricted percentage of 19.5 percent for the 2024–25 crop year.

The Board met again on September 12, 2024, to consider final volume regulation percentages for the 2024–25 season. The final percentages are based on the Board's reported production figures and the supply and demand information available in September.

The total production for the 2024–25 season reported at the September meeting was 261.7 million pounds. This exceeded the Board's June production estimate by 14.5 million pounds. In addition, growers diverted 11.02 million pounds in the orchard, lowering the available production for market. As a result, 250.67 million pounds of production would be available to the market, 249.3 million pounds of which are in the seven districts subject to volume regulation.

At the September meeting, the Board revisited the recommended 5-million-pound economic adjustment to the optimum supply calculation made in June. The Board discussed that the yields from processing were lower than normal by approximately 10 percent due to poor fruit quantity throughout the industry. To address this issue, the Board recommended increasing the economic adjustment by 15 million pounds for a total economic adjustment of 20 million pounds. The Board believes this increase should ensure

sufficient inventory is available to meet demand.

The Board then recalculated the restricted percentage using the revised economic adjustment and the actual production numbers. The carry-in figure considered at the June meeting of 93.1 million pounds was subtracted from the optimum supply of 268.3 million pounds to determine 175.2 million pounds of 2024–25 production would be necessary to reach optimum supply. The 175.2 million pounds were then subtracted from the actual production of 261.7 million pounds, resulting in a surplus of 86.5 million pounds of tart cherries.

The calculated surplus of 86.5 million pounds was reduced by subtracting the economic adjustment of 20 million pounds and the market expansion factor of 19.2 million pounds, resulting in an adjusted surplus of 47.3 million pounds. The Board then divided the adjusted surplus by the available production of 249.3 million pounds in the regulated districts (261.7 million pounds minus 11.02 million pounds of in-orchard diversion minus 1.33 million pounds from unregulated districts) to calculate a restricted percentage of 19 percent (47.3 million pounds) with a corresponding free percentage of 81 percent (202 million pounds) in the regulated districts for the 2024–25 crop year, as outlined in the following table:

	Millions of pounds
September Calculations:	
(1) Average sales of the prior three years	191.6
(2) Desirable carry-out	76.7
(3) Optimum supply calculated by the Board (item 1 plus item 2)	268.3
(4) Carry-in as of July 1, 2023	93.1
(5) Adjusted optimum supply (item 3 minus item 4)	175.2
(6) Board reported production	261.7
(7) Surplus (item 6 minus item 5)	86.5
(8) Total economic adjustments	20
(9) Market growth factor	19.2
(10) Adjusted Surplus (item 7 minus items 8 and 9)	47.3
(11) Production in regulated districts	260.4
(12) In-Orchard Diversion	11.02
(13) Production minus in-orchard diversion	249.3
Final Percentages:	
	Percent
Restricted (item 10 divided by item 13 × 100)	19
Free (100 minus restricted percentage)	81

The final restriction of 19 percent is lower than the preliminary restriction percentage of 19.5 percent. The change is due to the increase in the economic adjustment at the September meeting. While actual production increased by a total of 14.5 million pounds over the

June estimate, the economic adjustment increased from the 5 million pounds recommended in June to 20 million pounds at the September meeting. The economic adjustment roughly balanced out the additional production, keeping

the final restriction close to the number estimated in June.

Establishing free and restricted percentages is an attempt to bring supply and demand into balance. Historically, if the primary market is oversupplied with cherries, grower

prices decline substantially. Restricted percentages have benefited grower returns and helped stabilize the market as compared to those seasons prior to the implementation of the Order. The Board, based on its discussion of this issue and the result of the above calculations, believes the available information indicates a restricted percentage should be established for the 2024–25 crop year to avoid oversupplying the market with tart cherries.

Consequently, the Board recommended final percentages of 81 percent free, and 19 percent restricted by a vote of 17 in favor, and 1 opposed on September 12, 2024. The Board could meet during the crop year, and if conditions so warranted, recommend the release of additional volume. The Secretary finds, from the recommendation and supporting information supplied by the Board, that designating final percentages of 81 percent free and 19 percent restricted would tend to effectuate the declared policy of the Act, and so designates these percentages.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of typically small entities acting on their own behalf.

There are approximately 330 growers of tart cherries in the regulated area and approximately 30 handlers of tart cherries who are subject to regulation under the Order. At the time this analysis was prepared, the Small Business Administration (SBA) defined small agricultural growers of tart cherries as those having annual receipts equal to or less than \$3.5 million (North American Industry Classification System (NAICS) code 111339, Other Noncitrus Fruit Farming). Small agricultural service firms, including handlers, are defined as those whose annual receipts are equal to or less than \$34 million (NAICS code 11514, Postharvest Crop Activities) (13 CFR 121.201).

According to data from the National Agricultural Statistics Service (NASS),

the 2023–2024 season average grower price for tart cherries utilized for processing was approximately \$0.1922 per pound. With total utilization for processing at 196.5 million pounds for the 2023–24 season, the total 2023–24 value of the crop utilized for processing is estimated at \$37.7 million. Dividing the crop value by the estimated number of growers (330) yields an estimated average annual receipts per grower of approximately \$114,240. This is well below the \$3.5 million SBA threshold for small growers.

An estimate of the season average price per pound received by handlers for processed tart cherries was derived from USDA's purchases of dried tart cherries for feeding programs in 2023 and 2024, which had an average price of \$4.72 per pound. The dried cherry price was converted to a raw product equivalent price of \$0.94 per pound at an industry recognized ratio of five to one. Based on utilization, this price represents a good estimate of the price for processed cherries. Multiplying the raw product equivalent price above by the total processed utilization of 196.5 million pounds results in an estimated handler-level tart cherry value of \$184.7 million. Dividing this figure by the number of handlers (\$184.7 million divided by 30 handlers) yields estimated average annual receipts per handler of approximately \$6.2 million, which is well below the SBA threshold of \$34 million for small agricultural service firms. Assuming normal distributions, the majority of growers and handlers of tart cherries may be classified as small entities.

The tart cherry industry in the United States is characterized by wide annual fluctuations in production. According to NASS, the pounds of tart cherry production utilized for processing for the years 2021 through 2023 were 170.1 million, 239.0 million, and 196.5 million, respectively. Because of these fluctuations, supply and demand for tart cherries are rarely in balance.

Demand for tart cherries is inelastic, meaning changes in price have a minimal effect on total sales volume. However, prices are very sensitive to changes in supply, and grower prices vary widely in response to the large swings in annual supply. Grower prices per pound for processed utilization have ranged from a low of \$0.07 in 1987 to a high of \$0.59 per pound in 2012 when a weather event substantially reduced supply. Grower prices per pound for processed utilization over the most recent three years (2021 through 2023) were \$0.50, \$0.22, and \$0.19, respectively.

Because of this relationship between supply and price, oversupplying the market with tart cherries would have a sharp negative effect on prices, driving down grower returns. Aware of this economic relationship, the Board focuses on using the volume control authority in the Order to align supply with demand and stabilize industry returns. This authority allows the industry to set free and restricted percentages to bring supply and demand into balance. Free percentage cherries can be marketed by handlers to any outlet, while restricted percentage volume must be held by handlers in reserve, diverted, or used for exempted purposes.

This proposal would establish 2024–25 crop year percentages of 81 percent free and 19 percent restricted. These percentages should stabilize marketing conditions by adjusting supply to meet market demand and help improve grower returns. The proposal would regulate tart cherries handled in Michigan, Utah, Washington, Wisconsin, and New York. The authorities for this proposed action are provided in §§ 930.50, 930.51(a), and 930.52. The Board recommended this action at its meeting on September 12, 2024.

This proposal would result in some fruit being diverted from the primary domestic markets as authorized in the Order's marketing policy in § 930.50. However, as mentioned earlier, the USDA's "Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders" (<https://www.ams.usda.gov/publications/content/1982-guidelines-fruit-vegetable-marketing-orders>) specify that 110 percent of recent years' sales should be made available to primary markets each crop year per § 930.50(g), before recommendations for volume regulation are approved. Under this proposal, the available quantity of 296.4 million pounds (Free production of 202 million plus a carry-in of 93.1 million plus 1.33 million pounds unregulated) would be 155 percent of the average sales for the last three years (191.6 million pounds).

In addition, there are secondary uses available for restricted fruit, including the development of new products, sales into new markets, the development of export markets, and being placed in reserve. While these alternatives may provide different levels of return than the sales to primary markets, they play an important role for the industry. The areas of new products, new markets, and the development of export markets utilize restricted fruit to develop and expand the markets for tart cherries.

Placing tart cherries into reserves is also a key part of balancing supply and demand. Although handlers bear the handling and storage costs for fruit in reserve, reserves stored in large crop years can be used to supplement supplies in short crop years. The reserves help the industry mitigate the impact of oversupply in large crop years, while allowing the industry to supply markets in years when production falls below demand. During the 2020–21 season, the Board voted to release all fruit in the reserve into the primary market to increase supply.

In considering the establishment of free and restricted percentages, the Board recommended a carry-out of 76.7 million pounds to help ensure sufficient product is available to meet demand until the following year's crop is harvested and processed. The Board also recommended an economic adjustment of 20 million pounds. These numbers, along with carry-in, production in the unregulated districts, and free tonnage from the regulated districts, would make 296.4 million pounds of fruit available for the domestic market, which is nearly 105 million pounds more than the last three years' average sales. Even with the recommended 19 percent restriction, the domestic market would have an ample supply of tart cherries. Further, should marketing conditions change, and market demand exceed existing supplies, the Board could meet and recommend the release of additional reserves up to 50-million-pounds of tart cherries. Consequently, it is not anticipated that this proposal would unduly burden growers or handlers.

While this proposal could result in some additional costs for the industry, these costs would be outweighed by the benefits. The purpose of setting restricted percentages is to attempt to bring supply and demand into balance. If the primary market (domestic) is oversupplied with cherries, grower prices decline substantially. Without volume control, the primary market would likely be oversupplied, resulting in lower grower prices.

An AMS econometric model used to assess the impact volume control has on the price growers receive for their product estimates volume control would have a positive impact on grower returns for this crop year. With volume control, grower prices are estimated to be about three cents per pound higher than without a restriction. In addition, absent volume control, the industry could start to build large amounts of unwanted inventories, which in turn could have a depressing effect on grower prices.

Retail demand is assumed to be inelastic, which indicates changes in price do not result in significant changes in the quantity demanded. Consumer prices largely do not reflect fluctuations in cherry supplies. Therefore, this proposal should have little or no effect on consumer prices and should not result in a reduction in retail sales.

The free and restricted percentages established by this proposal would provide the market with optimum supply and would apply uniformly to all regulated handlers in the industry, regardless of size. As the restriction represents a percentage of a handler's volume, the costs, when applicable, are proportionate and should not place an extra burden on small entities as compared to large entities.

The stabilizing effects of this proposal would benefit all handlers by helping them maintain and expand markets, despite seasonal supply fluctuations. Likewise, price stability positively impacts all growers and handlers by allowing them to better anticipate the revenues their tart cherries would generate. Growers and handlers, regardless of size, would benefit from the stabilizing effects of the volume restriction.

As noted earlier, the Board discussed several carry-out inventory alternatives, ranging from 75 million pounds to 85 million pounds. The Board noted if the carry-out number was too large, it could add to the unsold free inventory and have a negative impact on grower returns, and if it was too small, it could negatively impact the supply processors need in the months prior to next season's harvest. Therefore, after consideration of the alternatives, the Board recommended a carry-out of 76.7 million pounds.

The Board also weighed alternatives when discussing the economic adjustment. At its June meeting, the Board recommended a 5-million-pound economic adjustment based on fruit quality concerns and a short crop in Europe, after considering making no economic adjustment or an economic adjustment of 10 million pounds. In September, the Board discussed that fruit quality throughout the industry was resulting in lower processing yields. Consequently, the Board recommended increasing the economic adjustment by 15 million pounds for an economic adjustment of 20 million pounds for the 2024–25 season.

The Board considered recommendations that would result in a smaller restriction. However, after considering the larger than expected harvest and carry-in inventory, the

industry recommended a 19 percent restriction for the 2024–25 crop. Thus, the alternatives were rejected.

The Board's meetings are widely publicized throughout the tart cherry industry and all interested persons are invited to attend the meetings and participate in Board deliberations on all issues. Like all Board meetings, the June 20 and September 12, 2024, meetings were public meetings and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0177, Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. No changes to those requirements would be necessary based on this proposed rule. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large tart cherry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

AMS has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <https://www.ams.usda.gov/rules-regulations/moa/small-businesses>. Any questions about the compliance guide should be sent to Antoinette Carter at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendations submitted by the Board and other available information, AMS has determined that this proposed rule is

consistent with, and would effectuate the purposes of the Act.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. All written comments timely received will be considered before a final determination is made on this proposed rule.

List of Subjects in 7 CFR Part 930

Tart cherries, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Agriculture Marketing Services proposes to amend 7 CFR part 930 as follows:

PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN.

- 1. The authority citation for 7 CFR part 930 continues to read as follows:

Authority: 7 U.S.C. 601–674.

- 2. Revise § 930.256 and its section title to read as follows:

§ 930.256 Free and restricted percentages for the 2024–25 crop year.

The percentages for tart cherries handled by handlers during the crop year beginning on July 1, 2024, which shall be free and restricted, respectively, are designated as follows: Free percentage, 81 percent and restricted percentage, 19 percent.

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2025–20214 Filed 11–17–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 5

[Docket ID OCC–2025–0273]

RIN 1557–AF38

Community Bank Licensing Amendments

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is proposing to amend its rules related to policies and procedures to simplify licensing requirements for corporate activities and

transactions involving national banks and Federal savings associations that have less than \$30 billion in total assets and satisfy certain conditions. The proposed rule is intended to reduce burden on these institutions.

DATES: Comments must be received by January 20, 2026.

ADDRESSES: Commenters are encouraged to submit comments through the Federal eRulemaking Portal. Please use the title “Community Bank Licensing Amendments” to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—Regulations.gov:*

Go to <https://regulations.gov/>. Enter Docket ID “OCC–2025–0273” in the Search Box and click “Search.” Public comments can be submitted via the “Comment” box below the displayed document information or by clicking on the document title and then clicking the “Comment” box on the top-left side of the screen. For help with submitting effective comments, please click on “Commenter’s Checklist.” For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 9 a.m.–5 p.m. EST, or email regulationshelpdesk@gsa.gov.

- *Mail:* Chief Counsel’s Office, Attention: Comment Processing, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

Instructions: You must include “OCC” as the agency name and Docket ID “OCC–2025–0273” in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *Regulations.gov* website without change, including any business or personal information provided such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this action by the following method:

- *Viewing Comments Electronically—Regulations.gov:*

Go to <https://regulations.gov/>. Enter Docket ID “OCC–2025–0273” in the Search Box and click “Search.” Click on

the “Dockets” tab and then the document’s title. After clicking the document’s title, click the “Browse All Comments” tab. Comments can be viewed and filtered by clicking on the “Sort By” drop-down on the right side of the screen or the “Refine Comments Results” options on the left side of the screen. Supporting materials can be viewed by clicking on the “Browse Documents” tab. Click on the “Sort By” drop-down on the right side of the screen or the “Refine Results” options on the left side of the screen checking the “Supporting & Related Material” checkbox. For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 9 a.m.–5 p.m. EST, or email regulationshelpdesk@gsa.gov.

The docket may be viewed after the close of the comment period in the same manner as during the comment period.

FOR FURTHER INFORMATION CONTACT:

Christopher Crawford, Special Counsel, or Scott Burnett, Counsel, Chief Counsel’s Office, 202–649–5490, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background

Twelve CFR part 5 sets forth the OCC’s requirements for national banks and Federal savings associations that seek to engage in certain corporate activities and transactions, including establishing, changing the structure of or the activities performed by, and dissolving OCC-supervised institutions. The filing requirements differ depending on the nature of corporate activity or transaction, ranging from a full application before engaging in an activity or transaction to an after-the-fact notification for informational purposes.

While all similarly categorized corporate activities and transactions are generally subject to identical filing requirements, the OCC’s licensing regulations provide expedited review of filings and modified filing requirements in certain circumstances (hereinafter, “expedited or reduced filing procedures”). The OCC first introduced these expedited or reduced filing procedures in 1996, when the regulations in 12 CFR part 5 were amended to include expedited procedures for certain filings by “eligible banks.”¹ The 1996

¹ 61 FR 60342–43 (Nov. 27, 1996).

amendments also established notice procedures, rather than applications, for certain filings by national banks that were “adequately capitalized” or “well capitalized,” as those terms are defined in the prompt corrective action (PCA) framework set forth in 12 CFR part 6.² Over time, the OCC has amended and expanded these expedited or reduced filing procedures, with current 12 CFR part 5 providing expedited or reduced filing procedures to OCC-supervised institutions that are: (1) either an “eligible bank” or “eligible savings association,” or (2) both “well managed” and “well capitalized.” These procedures reduce the baseline burden for OCC-supervised institutions that satisfy the eligibility criteria, as there is either less burden in preparing the requisite filing for the OCC, reduced delay before engaging in a proposed activity or transaction, or both. As noted when the OCC first adopted expedited review, certain applications by healthy institutions entail low levels of risk.³ The OCC similarly believes that applications by community national banks and community Federal savings associations will generally present low levels of risk, comparable to those by eligible banks and eligible savings associations, and thus should also benefit from expedited or reduced filing procedures.

II. Description of the Proposed Rule

The OCC’s current licensing requirements generally apply equally regardless of the size of the OCC-supervised institution. The proposed rule will modify this approach by establishing a new definition of “covered community bank or covered community savings association” and provide such institutions access to all currently available expedited or reduced filing procedures. The OCC is proposing these changes as part of a broader initiative to tailor the regulatory framework for community national banks and community Federal savings associations, with the goal of reducing regulatory burden and tailoring requirements to the size and risk-profile of the institution. Community national banks and community Federal savings associations typically engage in lower risk and less complex activities. Accordingly, the OCC will generally be able to review filings from community national banks and community Federal savings associations more quickly. Similarly, a lower risk profile is generally correlated to a proposal more clearly meeting the evaluative factors

and less likely to warrant denial. Accordingly, the OCC is proposing to expand the existing expedited or reduced filing procedures to community national banks and community Federal savings associations that satisfy certain conditions. The OCC will retain the ability to extend the expedited review period or remove a filing from expedited review as is currently applied to eligible banks and eligible savings associations in 12 CFR 5.13(a)(2)(i). Further, the OCC retains the discretion under 12 CFR 5.2(b) to adopt materially different procedures for a particular filing, or class of filings, as it deems necessary, for example, in exceptional circumstances or for unusual transactions, after providing notice of the change to the filer and to any other party that the OCC determines should receive notice.

Twelve CFR 5.3 defines the terms that are used throughout part 5. The OCC is proposing a new definition for this section, covered community bank or covered community savings association. The proposed rule would define a “covered community bank or covered community savings association” as a national bank or Federal savings association that: (1) has less than \$30 billion in total assets and is not an affiliate of a depository institution or foreign bank with \$30 billion or more in total assets, (2) is “well capitalized” as defined in 12 CFR 5.3, and (3) is not subject to a cease and desist order, a consent order, or a formal written agreement, that requires action to improve the financial condition of the national bank or Federal savings association unless otherwise informed in writing by the OCC. The total assets of the national bank, Federal savings association, and any depository institution affiliate would be as reported in the institution’s Consolidated Report of Condition and Income (Call Report). Any foreign bank’s total assets would be as reported in an equivalent to a Call Report. A national bank or Federal savings association would be an affiliate of a depository institution or foreign bank if it controls, is controlled by, or is under common control with the depository institution or foreign bank, as “control” is defined in 12 CFR 5.50(d)(4). The OCC believes that this standard for control, as used in the Change in Bank Control Act and implementing regulations,⁴ provides the appropriate, flexible test for determining when a national bank or Federal savings association is affiliated with a larger institution, as this standard is well

known and frequently applied for control analyses.

The proposed definition’s \$30 billion total asset limitation is consistent with the OCC’s recently announced Community Bank group, which will supervise institutions with total assets up to that threshold.⁵ These national banks and Federal savings associations typically engage in lower risk and less complex activities. The proposed definition’s requirement that the OCC-supervised institution be “well capitalized” is consistent with the OCC’s general approach to conferring expedited or reduced filing procedures. The proposed definition’s enforcement action restriction mirrors the current language in the “troubled condition” definition in 12 CFR 5.51(c)(7)(ii) with respect to enforcement actions. A national bank or Federal savings association that is not well capitalized or is subject to an enforcement action that requires improvement in its financial condition typically has a higher risk profile than a covered community bank or covered community savings association. Accordingly, the OCC more closely examines filings from these institutions, and expedited or reduced filing procedures are not appropriate.

The OCC’s regulations currently have expedited review provisions for eligible banks or eligible savings associations for thirteen types of filings. For charter applications, 12 CFR 5.20(j) provides expedited review for an application to establish a full-service national bank or Federal savings association sponsored by a bank holding company or savings and loan holding company whose lead depository institution is an eligible bank or eligible savings association. Twelve CFR 5.23(d)(4) and 5.24(h) provide for expedited review of an application to convert from an eligible bank to a Federal savings association and from an eligible savings association to a national bank, respectively. Twelve CFR 5.26(e)(3) provides for expedited review of an application by an eligible bank or eligible savings association to exercise fiduciary powers. Twelve CFR 5.30(f)(6) provides for expedited review of applications for establishment or relocation of a branch by an eligible bank. Twelve CFR 5.31(f)(2)(iii) provides that an eligible savings association need not file an application to establish or relocate a branch if it has published public notice and no person has filed a comment opposing the

² 61 FR 60343.

³ See 61 FR 60342.

⁴ 12 U.S.C. 1817(j); 12 CFR 5.50.

⁵ See OCC, News Release 2025–89, “OCC Announces Updates to Organizational Structure” (Sept. 18, 2025), <https://www.occ.gov/news-issuances/news-releases/2025/nr-occ-2025-89.html>.

branch, or if the OCC determines that a comment raises issues not relevant to the approval standards for an application or a branch or that OCC action in response to the comment is not required. If an application is required, because a comment has been filed or the branch is located in the District of Columbia,⁶ 12 CFR 5.31(f)(1)(iii) provides for expedited review of applications by an eligible savings association. Twelve CFR 5.40(c)(4) provides for expedited review of applications to relocate a main office or home office of an eligible bank or eligible savings association, respectively. Twelve CFR 5.45(g)(3) provides for expedited review of applications for a capital increase by an eligible savings association. Twelve CFR 5.46(i)(2) provides for expedited review of applications for a change in permanent capital by an eligible bank. Under 12 CFR 5.47(f)(1)(i)(A) and (f)(2)(i)(A), an eligible bank is required to receive OCC approval to issue or prepay subordinated debt included in tier 2 capital, respectively, only if the national bank will not continue to be an eligible bank after the transaction, the OCC has previously notified the national bank that prior approval is required, or prior approval is required by law. Similarly, 12 CFR 5.56(b)(1)(ii) provides for expedited review of applications to include subordinated debt securities or mandatorily redeemable preferred stock in tier 2 capital by an eligible savings association. The OCC proposes adding covered community bank or covered community savings association to each of these provisions referencing eligible bank or eligible savings association.

Under 12 CFR 5.33(i), an application for a business combination is eligible for expedited review if the filing qualifies as a business reorganization as defined in 12 CFR 5.33(d)(3) or the filing qualifies as a streamlined business combination application as described in 12 CFR 5.33(j).⁷ The OCC is proposing

to add to paragraph (j) a new paragraph permitting the use of the streamlined application form when the acquiring national bank or Federal savings association is a covered community bank or covered community savings association and the transaction would result in a national bank or Federal savings association with less than \$30 billion in total assets.

Under 12 CFR 5.55(e)(1)(i), a Federal savings association must file an application before making a capital distribution if, inter alia, it would not be at least well capitalized or otherwise remain an eligible savings association following the distribution. The OCC proposes adding covered community savings association to this provision and restructuring paragraph (e)(1)(i) for clarity. Specifically, an application would be required if either the Federal savings association is not an eligible savings association or a covered community savings association or the Federal savings association is an eligible savings association or a covered community savings association but would not remain well capitalized following the distribution. Twelve CFR 5.55(g)(1) provides for expedited review of capital distribution applications by eligible savings associations. The OCC proposes adding covered community savings association to this provision.

The OCC's regulations also provide for expedited or reduced filing requirements for certain filings by national banks and Federal savings associations that are well managed and

savings association, or an eligible depository institution; the resulting national bank or resulting Federal savings association will be well capitalized immediately following consummation of the transaction; and the filers in a pre-filing communication request and obtain approval from the appropriate OCC licensing office to use the streamlined application; (iii) the acquiring bank or Federal savings association is an eligible bank or eligible savings association; the target bank or savings association is not an eligible bank, eligible savings association, or an eligible depository institution; the resulting bank or resulting Federal savings association will be well capitalized immediately following consummation of the transaction; and the total assets acquired do not exceed 10 percent of the total assets of the acquiring national bank or acquiring Federal savings association, as reported in each institution's Consolidated Report of Condition and Income filed for the quarter immediately preceding the filing of the application; or (iv) in the case of a transaction under 12 CFR 5.33(g)(4), the acquiring bank is an eligible bank; the resulting national bank will be well capitalized immediately following consummation of the transaction; the filers in a pre-filing communication request and obtain approval from the appropriate OCC licensing office to use the streamlined application; and the total assets acquired do not exceed 10 percent of the total assets of the acquiring national bank, as reported in the bank's Consolidated Report of Condition and Income filed for the quarter immediately preceding the filing of the application.

well capitalized. Twelve CFR 5.34(f)(1) generally requires an application for a national bank to establish or acquire an operating subsidiary or perform a new activity in an existing operating subsidiary. Twelve CFR 5.34(f)(2) permits a national bank that is well capitalized and well managed to provide after the fact notice instead of an application if the operating subsidiary meets certain structural and activity requirements. Similarly, 12 CFR 5.34(f)(6) permits a national bank to acquire or establish an operating subsidiary or perform a new activity in an existing operating subsidiary if the bank is well managed and well capitalized and meets other requirements. The OCC is proposing that a national bank qualify for these expedited or reduced filing requirements if it is a covered community bank or is both well capitalized and well managed.

Twelve CFR 5.35(f)(2)(ii) provides for expedited review of a notice to make an investment in a bank service company or to perform new activities in an existing bank service company if the national bank or Federal savings association is well capitalized and well managed and the bank service company meets certain activity qualifications. The OCC is proposing adding covered community banks and covered community savings associations to this provision.

Twelve CFR 5.36(e) permits a national bank to file a notice no later than 10 days after making a non-controlling investment if the notice contains, inter alia, a certification that the bank is well capitalized and well managed at the time of the investment. If the national bank is not well capitalized and well managed but still meets other requirements necessary to make the non-controlling investment, it must instead file an application under 12 CFR 5.36(f). The OCC is proposing to add covered community bank as an alternative to the current requirement that a national bank be well capitalized and well managed for purposes of the certification in 12 CFR 5.36(e)(2). Twelve CFR 5.36(h)(1) permits a national bank that is well capitalized and well managed to make a non-controlling investment in an enterprise that engages in the activities of holding and managing assets acquired by the parent bank in satisfaction of a debt previously contracted. The national bank must submit a notice with the OCC no later than 10 days after making the investment. The OCC is proposing to permit covered community banks to use this procedure. Twelve CFR 5.58 provides substantively identical

⁶ See 12 U.S.C. 1464(m); 12 CFR 5.31(j).

⁷ Twelve CFR 5.33(j) authorizes the use of a streamlined application if: (i) at least one party to the transaction is an eligible bank or eligible savings association, and all other parties to the transaction are eligible banks, eligible savings associations, or eligible depository institutions; the resulting national bank or resulting Federal savings association will be well capitalized immediately following consummation of the transaction; and the total assets of the target institution are no more than 50 percent of the total assets of the acquiring bank or Federal savings association, as reported in each institution's Consolidated Report of Condition and Income filed for the quarter immediately preceding the filing of the application; (ii) the acquiring bank or Federal savings association is an eligible bank or eligible savings association; the target bank or savings association is not an eligible bank, eligible

provisions for Federal savings association's pass-through investments. The OCC is proposing parallel changes for covered community savings associations in that regulation.

Twelve CFR 5.38 provides for expedited review of an application to establish or acquire an operating subsidiary or to perform a new activity in an existing operating subsidiary by a Federal savings association⁸ that is well capitalized and well managed if the operating subsidiary meets certain structural and activity requirements. Twelve CFR 5.59 provides for expedited review of an application to establish or acquire a service corporation, or to perform a new activity in an existing service corporation subsidiary, by a Federal savings association⁹ that is well capitalized and well managed if the service corporation engages only in one or more of the preapproved activities listed in 12 CFR 5.59(f). The OCC is proposing to add covered community savings associations to these provisions.

Additionally, the OCC is proposing to clarify the standard for when an adverse comment raises a significant supervisory, Community Reinvestment Act (CRA) or compliance concern. Under 12 CFR 5.13(a)(2)(i), the OCC may extend the expedited review period or remove a filing from expedited review procedures if, inter alia, it concludes that the filing, or an adverse comment regarding the filing, presents a significant supervisory, CRA, or compliance concern. The OCC does not extend the expedited review period or remove a filing from expedited review procedures if, inter alia, the OCC determines that an adverse comment does not raise a significant supervisory, CRA, or compliance concern. The OCC's regulation does not define when a concern is significant. The OCC is proposing to add a sentence to 12 CFR 5.13(a)(2)(ii) that, for purposes of that paragraph, it considers a concern to be significant if the facts are previously unknown to the OCC and, if proven accurate, would support denial of the filing. This new sentence would provide additional clarity to filers and

commenters on when the OCC may extend the expedited review period or remove a filing from expedited review procedures in light of the comment. If the information in a comment is already known to the OCC, the OCC may take action under 12 CFR 5.13(a)(2)(i) or deny the filing, as appropriate. If the information in a comment, if accurate, would not support denial of the filing, the OCC does not see a basis to change the otherwise applicable expedited processing as the record available to the OCC would already provide sufficient basis for decision.

III. Request for Comments

The OCC requests comment on all aspects of the expedited or reduced filing procedures discussed above. The OCC is also considering further ways to tailor and reduce burden with respect to its licensing regulations. The OCC requests comment on all aspects of its licensing regulations, with a purpose of reducing burden, consistent with safety and soundness, including the following.

1. *What asset threshold should the OCC use for covered community banks and covered community savings associations?*
2. *Should the OCC aggregate affiliated depository institutions for purposes of applying the covered community bank or covered community savings association definition? Should the OCC aggregate the national bank or Federal savings association with its holding company on a consolidated basis for purposes of the definition?*
3. *Are there other provisions in the OCC's licensing regulations where the OCC should apply expedited or reduced filing procedures for community national banks and community Federal savings associations?*
4. *Should the OCC streamline and simplify its regulations for Federal savings association charters and bylaws in 12 CFR 5.21 and 5.22? If so, how?*
5. *Should the OCC provide for expedited review for conversion applications by eligible depository institutions, as defined in 12 CFR 5.3? If so, what timeline should the OCC use to ensure that the OCC has sufficient time to review the application and perform a pre-conversion examination, if appropriate?*
6. *Should the OCC provide for a shorter expedited review period for national bank branching applications? How should the OCC ensure compliance with applicable branching requirements under 12 U.S.C. 36?*
7. *Should the OCC continue to retain branching applications for Federal savings associations, other than for the establishment of a branch in the District*

of Columbia, as required by 12 U.S.C. 1464(m)?

8. *Should the OCC eliminate filing requirements for national bank and Federal savings association operating subsidiaries and non-controlling and pass-through investments (to the extent permitted by 12 U.S.C. 1828(m) for Federal savings associations)? Are there particular investments or activities for which the OCC should continue to require a notice or application?*

9. *Should the OCC provide for automatic approval of director residency waiver applications by some or all national banks?*

10. *Should the OCC reduce the filing requirements for changes in national bank and Federal savings association capital, to the extent permitted by applicable statutes?*

11. *Should the OCC expand the activities permissible for Federal savings association service corporations?*

IV. Regulatory Analysis

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),¹⁰ the OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The information collection requirements in this proposed rule have been submitted to OMB under OMB control number 1557-0014 (Licensing Manual).

The proposal would create a new definition of "covered community bank or covered community savings association" and amend various provisions of 12 CFR part 5 to grant expedited or reduced filing procedures already present in the regulations to covered community banks and covered community savings associations.

Title of Information Collection:

Licensing Manual.

OMB control number: 1557-0014.

Frequency of Response: Occasional.

Affected Public: National banks and Federal savings associations.

The changes to the burden of the Licensing Manual are *de minimis* and continue to be:

Estimated Number of Respondents: 3,694.

Estimated Total Annual Burden: 12,481.15.

Regulatory Flexibility Act

In general, the Regulatory Flexibility Act (RFA)¹¹ requires an agency, in connection with a proposed rule, to prepare an Initial Regulatory Flexibility

⁸ Twelve CFR 5.38 does not apply to a Federal savings association that is not subject to 12 U.S.C. 1828(m) because the Federal savings association is a Federal savings bank that was chartered prior to October 15, 1982, as a savings bank under State law or acquired its principal assets from an institution that was chartered prior to October 15, 1982, as a savings bank under State law. See 12 CFR 5.38(b). Such a Federal savings association may establish or acquire an operating subsidiary or commence a new activity in an existing operating subsidiary without a filing to the OCC.

⁹ As with 12 CFR 5.38, the application requirements in 12 CFR 5.59 do not apply to Federal savings associations not subject to 12 U.S.C. 1828(m). See 12 CFR 5.59(h)(1)(i).

¹⁰ 44 U.S.C. 3501-3521.

¹¹ 5 U.S.C. 601 *et seq.*

Analysis describing the impact of the rule on small entities (defined by the U.S. Small Business Administration for purposes of the RFA to include commercial banks and savings institutions with total assets of \$850 million or less and trust companies with total assets of \$47 million or less). However, under section 605(b) of the RFA, this analysis is not required if an agency certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities and publishes its certification and a short explanatory statement in the **Federal Register** along with its proposed rule.

The OCC currently supervises approximately 609 small entities.¹² The OCC estimates that on average, up to 64 OCC-supervised institutions could be impacted by the rule, based on the definition of covered community bank or covered community savings association. In general, the OCC classifies the economic impact on an individual small entity as significant if the total estimated impact in one year is greater than 5 percent of the small entity's total annual salaries and benefits or greater than 2.5 percent of the small entity's total non-interest expense. Furthermore, the OCC considers 5 percent or more of OCC-supervised small entities to be a substantial number. Thus, at present, 30 OCC-supervised small entities would constitute a substantial number.

The proposed rule would provide expedited review of certain applications for some small entities and would require fewer filings for some small entities for other types of filings. This would result in cost savings for some OCC-regulated institutions that would now qualify for expedited or reduced filing procedures. Although there are individual small entities that would be impacted by the proposed rule, the economic impact would not be more than 5 percent of the small entity's total annual salaries and benefits nor greater than 2.5 percent of the small entity's total non-interest expense. Accordingly, the OCC expects the proposed rule to

have a *de minimis* effect on small entities. The OCC certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

The OCC has analyzed the proposed rule under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA).¹³ Under this analysis, the OCC considered whether the proposed rule includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year (\$187 million as adjusted annually for inflation). Pursuant to section 202 of the UMRA,¹⁴ if a proposed rule meets this UMRA threshold, the OCC would need to prepare a written statement that includes, among other things, a cost-benefit analysis of the proposal. The UMRA does not apply to regulations that incorporate requirements specifically set forth in law.

The OCC's estimates that the proposal would not require additional expenditure from OCC regulated entities. As noted earlier, there would likely be a decrease in expenditures due to reduced filing requirements, resulting in cost savings. Therefore, the OCC finds that the proposed rule does not trigger the UMRA cost threshold. Accordingly, the OCC has not prepared the written statement described in section 202 of the UMRA.

Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994, 12 U.S.C. 4802(a), in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, the agencies will consider, consistent with principles of safety and soundness and the public interest: (1) any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions and customers of depository institutions; and (2) the benefits of the proposed rule. The OCC requests comment on any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions, and their customers, and the benefits of the proposed rule that the agencies

should consider in determining the effective date and administrative compliance requirements for a final rule.

Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023, 12 U.S.C. 553(b)(4), requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website www.regulations.gov.

The proposed regulation would amend the OCC's licensing regulations by providing expedited review or reduced filing requirements for some licensing applications by community national banks and community Federal savings association. A community national bank or community Federal savings association is one that has total assets of less than \$30 billion and meets other criteria related to capital and lack of a formal enforcement action that requires improvement in financial condition.

The proposal and the required summary can be found at <https://www.regulations.gov> by searching for Docket ID OCC-2025-0273 and <https://occ.gov/topics/laws-and-regulations/occ-regulations/proposed-issuances/index-proposed-issuances.html>.

Executive Order 12866

Executive Order 12866, titled "Regulatory Planning and Review," as amended, requires the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget to determine whether a proposed rule is a "significant regulatory action" prior to the disclosure of the proposed rule to the public. If OIRA finds the proposed rule to be a "significant regulatory action," Executive Order 12866 requires the agencies to conduct a cost-benefit analysis of the proposed rule and for OIRA to conduct a review of the proposed rule prior to publication in the **Federal Register**. Executive Order 12866 defines "significant regulatory action" to mean a regulatory action that is likely to (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the

¹² We base our estimate of the number of small entities on the Small Business Administration's size thresholds for commercial banks and savings institutions, and trust companies, which are \$850 million and \$47 million, respectively. Consistent with the General Principles of Affiliation 13 CFR 121.103(a), we count the assets of affiliated financial institutions when determining if we should classify an OCC-supervised institution as a small entity. We use December 31, 2024, to determine size because a "financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year." See footnote 8 of the U.S. Small Business Administration's *Table of Size Standards*.

¹³ 2 U.S.C. 1531 *et seq.*

¹⁴ 2 U.S.C. 1532.

budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

The OCC has determined that this proposed rule is not a significant regulatory action under Executive Order 12866 and, therefore, is not subject to review under Executive Order 12866.

Executive Order 14192

Executive Order 14192, titled "Unleashing Prosperity Through Deregulation," requires that an agency, unless prohibited by law, identify at least 10 existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation with total costs greater than zero. Executive Order 14192 further requires that 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 ten prior regulations. The OCC has determined that the proposed rule is not a regulatory action for purposes of Executive Order 14192. Further, the proposed rule, if finalized, would be a deregulatory action under Executive Order 14192 because it would result in potential cost savings for OCC-supervised institutions.

List of Subjects in 12 CFR Part 5

Administrative practice and procedure, National banks, Reporting and recordkeeping requirements, Savings associations, Securities.

For the reasons set forth in the preamble, the OCC proposes to amend chapter I of title 12 of the Code of Federal Regulations as follows:

PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

- 1. The authority citation for part 5 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.*, 24a, 35, 93a, 214a, 215, 215a, 215a–1, 215a–2, 215a–3, 215c, 371d, 481, 1462a, 1463, 1464, 1817(j), 1831i, 1831u, 2901 *et seq.*, 3101 *et seq.*, 3907, and 5412(b)(2)(B).

- 2. Amend § 5.3 by adding the definition of "Covered community bank or covered community savings association" to read as follows:

§ 5.3 Definitions.

* * * * *

Covered community bank or covered community savings association means:

(1) A national bank or Federal savings association that:

(i) Has less than \$30 billion in total assets, as reported in the national bank's or Federal savings association's Call Report, and is not an affiliate of a depository institution or foreign bank with \$30 billion or more in total assets, as reported in the depository institution's Call Report or the foreign bank's equivalent to a Call Report;

(ii) Is well capitalized as defined in § 5.3; and

(iii) Is not subject to a cease and desist order, a consent order, or a formal written agreement, that requires action to improve the financial condition of the national bank or Federal savings association unless otherwise informed in writing by the OCC.

(2) For purposes of this definition, the term "affiliate" means any company that controls, is controlled by, or is under common control with the depository institution or foreign bank, as control is defined in § 5.50(d)(4).

* * * * *

- 3. Amend § 5.13(a)(2)(ii) by adding a sentence after the first sentence to read as follows:

§ 5.13 Decisions.

(a). * * *

(2) * * *

(ii) * * * For purposes of this paragraph, the OCC considers a concern to be significant if the facts are previously unknown to the OCC and, if proven accurate, would support denial of the filing. * * *

* * * * *

§ 5.20 [Amended]

- 4. Amend § 5.20(j) by removing the phrase "eligible bank or eligible savings association" and adding in its place the phrase "eligible bank, eligible savings association, covered community bank, or covered community savings association".

§ 5.23 [Amended]

- 5. Amend § 5.23(d)(4) by adding the phrase "or covered community bank" after the phrase "eligible bank".

§ 5.24 [Amended]

- 6. Amend § 5.24(h) by adding the phrase "or covered community savings association" after the phrase "eligible savings association".

§ 5.26 [Amended]

- 7. Amend § 5.26(e)(3) by removing the phrase "eligible bank or eligible savings association" and adding in its place the phrase "eligible bank, eligible savings association, covered community bank, or covered community savings association".

§ 5.30 [Amended]

- 8. Amend § 5.30(f)(6) by adding the phrase "or covered community bank" after the phrase "eligible bank".

§ 5.31 [Amended]

- 9. In § 5.31, amend paragraphs (f)(1)(iii) and (f)(2)(iii) introductory text by adding the phrase "or covered community savings association" after the phrase "eligible savings association".

- 10. Amend § 5.33 by:

■ a. In paragraph (j)(1)(iii) removing the phrase "application; or" and adding in its place the phrase "application;";

■ b. In paragraph (j)(1)(iv) removing the period after the phrase "filing of the application" and adding in its place the phrase "; or"; and

■ c. Adding a new paragraph (j)(1)(v) to read as follows:

§ 5.33 Business combinations involving a national bank or Federal savings association.

* * * * *

(j) * * *

(1) * * *

(v) The acquiring national bank or Federal savings association is a covered community bank or covered community savings association and the transaction would result in a national bank or Federal savings association with less than \$30 billion in total assets.

* * * * *

§ 5.34 [Amended]

- 11. Amend § 5.34 by:

■ a. In paragraph (f)(2)(i) introductory text adding the phrase "a covered community bank or is both" after the phrase "a national bank that is"; and

■ b. In paragraph (f)(6) introductory text "a covered community bank or is both" after the phrase "if the bank is".

§ 5.35 [Amended]

- 12. Amend § 5.35(f)(2)(ii)(A) by adding the phrase "a covered community bank or covered community savings association or is both" after the phrase "national bank or Federal savings association is".

§ 5.36 [Amended]

- 13. Amend § 5.36 by:

■ a. In paragraph (e)(3) adding the phrase "a covered community bank or is both" after the phrase "that the bank is"; and

■ b. In paragraph (h)(1) adding the phrase "a covered community bank or is both" after the phrase "national bank that is".

§ 5.38 [Amended]

- 14. Amend § 5.38(f)(2)(ii)(A) by adding the phrase "a covered

community savings association or is both” after the phrase “savings association is”.

§ 5.40 [Amended]

■ 15. Amend § 5.40(c)(4) by removing the phrase “eligible bank or eligible savings association” and adding in its place the phrase “eligible bank, eligible savings association, covered community bank, or covered community savings association”.

§ 5.45 [Amended]

■ 16. Amend § 5.45(g)(3) by removing the phrase “eligible savings association’s application” and adding in its place the phrase “application by an eligible savings association or covered community savings association”.

■ 17. Amend § 5.46 by revising and republishing paragraph (i)(2) to read as follows:

§ 5.46 Changes in permanent capital of a national bank.

* * * * *

(i) * * *

(2) *Expedited review.* An application by an eligible bank or covered community bank is deemed approved by the OCC 15 days after the date the OCC receives the application described in paragraph (i)(1) of this section, unless the OCC notifies the bank prior to that date that the application has been removed from expedited review, or the expedited review process is extended, under § 5.13(a)(2). An eligible bank or covered community bank seeking to decrease its capital may request OCC approval for up to four consecutive quarters. The request need only specify a total dollar amount for the four-quarter period and need not specify amounts for each quarter. An eligible bank may decrease its capital pursuant to such a plan only if the bank maintains its eligible bank status before and after each decrease in its capital. A covered community bank may decrease its capital pursuant to such a plan only if it maintains its covered community bank status before and after each decrease in its capital.

■ 18. Amend § 5.47 by:

■ a. Redesignating paragraph (f)(1)(i)(B) as paragraph (f)(1)(i)(C);

■ b. Adding new paragraph (f)(1)(i)(B);

■ c. Revising redesignated paragraph (f)(1)(i)(C);

■ d. Redesignating paragraph (f)(2)(i)(B) as paragraph (f)(2)(i)(C);

■ e. Adding new paragraph (f)(2)(i)(B); and

■ f. Revising redesignated paragraph (f)(2)(i)(C).

The additions and revisions read as follows.

§ 5.47 Subordinated debt issued by a national bank.

* * * * *

(f) * * *

(1) * * *

(i) * * *

(B) *Covered community bank.* A covered community bank is required to receive prior approval from the OCC to issue any subordinated debt, in accordance with paragraph (g)(1)(i) of this section, if:

(1) The national bank will not continue to be well capitalized after the transaction;

(2) The OCC has previously notified the national bank that prior approval is required; or

(3) Prior approval is required by law.

(C) *National bank not an eligible bank or covered community bank.* A national bank that is not an eligible bank or covered community bank must receive prior OCC approval to issue any subordinated debt, in accordance with paragraph (g)(1)(i) of this section.

* * * * *

(2) * * *

(i) * * *

(B) *Covered community bank.* A covered community bank is required to receive prior approval from the OCC to prepay any subordinated debt that is not included in tier 2 capital (including acceleration, repurchase, redemption prior to maturity, and exercising a call option), in accordance with paragraph (g)(1)(ii) of this section, only if:

(1) The national bank will not continue to be well capitalized after the transaction;

(2) The OCC has previously notified the national bank that prior approval is required;

(3) Prior approval is required by law; or

(4) The amount of the proposed prepayment is equal to or greater than one percent of the national bank’s total capital, as defined in 12 CFR 3.2.

(C) *National bank not an eligible bank or covered community bank.* A national bank that is not an eligible bank or covered community bank must receive prior OCC approval to prepay any subordinated debt that is not included in tier 2 capital (including acceleration, repurchase, redemption prior to maturity, and exercising a call option), in accordance with paragraph (g)(1)(ii) of this section.

* * * * *

■ 19. Amend § 5.55 by:

■ a. Revising paragraph (e)(1)(i); and

■ b. In paragraphs (g)(1) introductory text and (g)(2)(i) adding the phrase “or covered community savings association” after the phrase “eligible savings association”;

The revision reads as follows:

§ 5.55 Capital distributions by Federal savings associations.

* * * * *

(e) * * *

(1) * * *

(i) The Federal savings association is:

(A) Not an eligible savings association or covered community savings association; or

(B) Is an eligible savings association or covered community savings association but would not continue to be well capitalized following the distribution;

* * * * *

§ 5.56 [Amended]

■ 20. Amend § 5.56(b)(1)(ii) introductory text by adding the phrase “or covered community savings association” after the phrase “eligible savings association”.

§ 5.58 [Amended]

■ 21. Amend § 5.58 by:

■ a. In paragraph (e)(3) adding the phrase “a covered community savings association or is both” after the phrase “that the Federal savings association is”; and

■ b. In paragraph (h)(1) adding the phrase “a covered community savings association or is both” after the phrase “Federal savings association that is”.

§ 5.59 [Amended]

■ 22. Amend § 5.59(h)(2)(ii)(A) by adding the phrase “a covered community savings association or is both” after the phrase “savings association is”.

Jonathan V. Gould,

Comptroller of the Currency.

[FR Doc. 2025–20204 Filed 11–17–25; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 27

[Docket ID OCC–2025–0405]

RIN 1557–AF42

Fair Housing Home Loan Data System

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) invites public comment on a notice of proposed rulemaking (proposed rule) to rescind

its Fair Housing Home Loan Data System regulation codified at 12 CFR part 27. The OCC has determined that the regulation is obsolete and largely duplicative of and inconsistent with other legal authorities that require national banks to collect and retain certain information on applications for home loans. Moreover, part 27 imposes asymmetrical data collection requirements on national banks compared to their other depository institution counterparts, and the data collected has limited utility. For these reasons, rescinding the regulation would eliminate the regulatory burden attributable to part 27 for national banks without having a material impact on the availability of data necessary for the OCC to conduct its fair housing-related supervisory activities.

DATES: Comments must be received on or before December 18, 2025.

ADDRESSES: Commenters are encouraged to submit comments through the Federal eRulemaking Portal. Please use the title “Fair Housing Home Loan Data System” to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—Regulations.gov:*

Go to <https://regulations.gov/>. Enter Docket ID “OCC–2025–0405” in the Search Box and click “Search.” Public comments can be submitted via the “Comment” box below the displayed document information or by clicking on the document title and then clicking the “Comment” box on the top-left side of the screen. For help with submitting effective comments, please click on “Commenter’s Checklist.” For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 9 a.m.–5 p.m. EST, or email regulationshelpdesk@gsa.gov.

- *Mail:* Chief Counsel’s Office, Attention: Comment Processing, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

Instructions: You must include “OCC” as the agency name and Docket ID “OCC–2025–0405” in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *Regulations.gov* website without change, including any business or personal information provided such as name and address information, email addresses, or phone numbers. Comments received, including

attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this action by the following method:

- *Viewing Comments Electronically—Regulations.gov:*

Go to <https://regulations.gov/>. Enter Docket ID “OCC–2025–0405” in the Search Box and click “Search.” Click on the “Dockets” tab and then the document’s title. After clicking the document’s title, click the “Browse All Comments” tab. Comments can be viewed and filtered by clicking on the “Sort By” drop-down on the right side of the screen or the “Refine Comments Results” options on the left side of the screen. Supporting materials can be viewed by clicking on the “Browse Documents” tab. Click on the “Sort By” drop-down on the right side of the screen or the “Refine Results” options on the left side of the screen checking the “Supporting & Related Material” checkbox. For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 9 a.m.–5 p.m. EST, or email regulationshelpdesk@gsa.gov.

The docket may be viewed after the close of the comment period in the same manner as during the comment period.

FOR FURTHER INFORMATION CONTACT:

Emily Boyes, Counsel, (202) 649–5490; Sadia Chaudhary, Counsel, (202) 649–5122; Daniel Borman, Counsel, (202) 649–6929; Chief Counsel’s Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background

The OCC is proposing to rescind its Fair Housing Home Loan Data System regulation codified at 12 CFR part 27.¹ The OCC issued part 27 in 1979 to provide a basis for a more effective fair housing monitoring program for home loans.² The OCC’s issuance of part 27 also assisted with implementation of certain parts of the settlement reached in *National Urban League et al., v. Office of the Comptroller of the*

*Currency et al.*³ Part 27 established recordkeeping requirements and a data collection system for monitoring national banks and any of their subsidiaries⁴ (national banks)⁵ for compliance with the Fair Housing Act⁶ and the Equal Credit Opportunity Act.⁷ Specifically, part 27 requires national banks to (i) engage in quarterly recordkeeping of certain home loan data if the national bank is required to report loans under the Home Mortgage Disclosure Act⁸ (HMDA reporters) or if the national bank is a non-HMDA reporter that receives 50 or more home loan⁹ applications a year, as applicable;¹⁰ (ii) attempt to obtain all of the prescribed information for applications for home loans;¹¹ (iii) maintain certain additional information in loan files;¹² and (iv) collect certain information on a log, if the OCC orders the national bank to maintain a log of inquiries and applications.¹³

When part 27 was promulgated in 1979, the principal purpose of the regulation was to provide for the collection and retention of information necessary to establish a valid statistical analysis of national banks’ home lending decisions without placing an undue burden upon the national banks subject to the rule.¹⁴ At the time the rule was promulgated, the OCC stated that it would engage in reviews of the

³ See *National Urban League, et al. v. Office of the Comptroller of the Currency, et al.*, 78 FRD 543, 544 (D.D.C. May 3, 1978); 44 FR 63084 (Nov. 2, 1979). The settlement agreement expressly provides that the terms expired in three years, and do not currently obligate the OCC to maintain part 27. See *National Urban League, et al. v. Office of the Comptroller of the Currency, et al.*, Settlement Agreement at 531, No. 76–0718 (D.D.C. Mar. 23, 1977).

⁴ As originally promulgated, the regulation also applied to banks located in the District of Columbia. The OCC amended part 27 in 2008 to remove banks chartered in Washington, DC from the scope of the regulation since those entities are no longer national banks. See 73 FR 22216, 22232 (Apr. 24, 2008).

⁵ The regulation defines the term “bank” as “a national bank and any subsidiaries of a national bank.” See 12 CFR 27.2(c). However, this **SUPPLEMENTARY INFORMATION** uses the term “national bank” in place of the defined term “bank” to improve readability and distinguish the relevant data requirements applicable to national banks from those applicable to other types of depository institutions.

⁶ 42 U.S.C. 3601 *et seq.*

⁷ 15 U.S.C. 1691 *et seq.*

⁸ 12 U.S.C. 2801 *et seq.*

⁹ A home loan, as defined in part 27, is “a real estate loan for the purchase, permanent financing for construction, or the refinancing of residential real property which the applicant intends to occupy as a principal residence.” 12 CFR 27.2(f).

¹⁰ 12 CFR 27.3.

¹¹ 12 CFR 27.3.

¹² 12 CFR 27.5.

¹³ 12 CFR 27.4.

¹⁴ 44 FR 63084, 63085 (Nov. 2, 1979).

¹ 44 FR 63084 (Nov. 2, 1979) as amended at 49 FR 11825 (Mar. 28, 1984), 59 FR 26415 (May 20, 1994), 73 FR 22251 (Apr. 24, 2008).

² 44 FR 63084 (Nov. 2, 1979).

efficiency and effectiveness of the regulatory requirements.¹⁵ Recently, the OCC has undertaken such a review as part of its ongoing efforts to tailor bank supervision and regulation.¹⁶

The OCC has determined that part 27 is obsolete because it is largely duplicative of and inconsistent with revisions to other legal authorities that require national banks to collect and retain certain information on applications for home loans. In addition, because part 27 only applies to national banks, national banks have more home loan data collection requirements than other depository institutions. Moreover, the burden the rule imposes on national banks is not justified by the limited utility of data collected under part 27. Also, when part 27 was promulgated, the OCC stated that the regulation's requirements were designed to assist agency examiners in performing full and complete fair housing examinations. However, since then, the OCC has found that agency examiners generally base their fair lending supervisory activities on data collected under other legal authorities that require national banks to collect and maintain information on applications for home loans. To the extent OCC examiners may consider part 27 data, it is most useful for assessing a national bank's fair lending risk; however, the OCC has other tools for identifying fair lending risk at national banks. The OCC believes that

the proposed rescission of part 27, therefore, would not have a material impact on the availability of data necessary for the OCC to conduct its fair housing supervisory activities. For these reasons, as explained in greater detail below, the OCC is proposing to rescind the regulation—thereby eliminating the regulatory burden attributable to part 27 for national banks.

Duplicative Requirements. Part 27 is largely duplicative of the HMDA and its implementing regulation, Regulation C,¹⁷ and Regulation B,¹⁸ which implements the Equal Credit Opportunity Act (ECOA).¹⁹ For example, under part 27, HMDA reporters are required to maintain reasons for denial of a loan application, but HMDA reporters are already required to provide this information pursuant to Regulation C.²⁰ Additionally, many of the categories of information that all national banks must collect and maintain under 12 CFR 27.3(b) are already provided by HMDA reporters under Regulation C.²¹

Regulatory Inconsistencies. There are several inconsistencies between part 27 and Regulations B and C, particularly concerning collection and reporting of ethnicity and race data. These inconsistencies stem from the fact that the OCC has not materially updated part 27 since 1994,²² despite substantive and jurisdictional changes to Regulations B and C in the intervening years. Specifically, Regulations B and C require ethnicity data to be reported under two aggregate categories: Hispanic or Latino; and Not Hispanic or Latino. Regulations B and C also require race data to be reported under the following five aggregate categories: American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; and White. In contrast, part 27 requires the collection of race and

national origin under the following six categories: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; White, not of Hispanic origin; Hispanic; Other. Because part 27 does not separate race from ethnicity, its reporting of that data could conflict with the requirements of Regulations B and C. For example, an applicant who self-identifies as “Hispanic” and “White” under Regulation B's and C's separate categories for ethnicity and race, respectively, would have to self-identify as “Other” under part 27. Part 27 also requires less granular information collection than required under Regulation C, which uses more specific categories for ethnicity and race.²³ Specifically, under Regulation C, the Hispanic or Latino category is divided into the following four subcategories: Mexican; Puerto Rican; Cuban; and Other Hispanic or Latino. In addition, the Asian and the Native Hawaiian or Other Pacific Islander aggregate categories have seven and four subcategories, respectively. The Asian race subcategories are: Asian Indian; Chinese; Filipino; Japanese; Korean; Vietnamese; and Other Asian. The Native Hawaiian or Other Pacific Islander race subcategories are: Native Hawaiian; Guamanian or Chamorro; Samoan; and Other Pacific Islander. Under Regulation B, a national bank that is a non-HMDA reporter may generally collect ethnicity and race data using either the aggregate race and ethnicity categories described in Regulations B and C or using the more detailed subcategories set forth in Regulation C.²⁴ Therefore, the requirement in part 27 to collect aggregate data can require different and inconsistent requirements than those imposed by Regulations B and C.

Asymmetric Data Requirements. Despite the duplication and inconsistencies with Regulations B and C, part 27 requires national banks to collect and maintain certain unique data. However, this data is not uniformly collected for all depository institutions due to the lack of parallel regulatory requirements. With respect to OCC-regulated institutions, part 27 does not apply to Federal savings associations, nor is there a comparable regulation applicable to Federal savings associations. In addition, the other Federal prudential regulators—the Board and the Federal Deposit

¹⁵ 44 FR 63084, 63085 (Nov. 2, 1979).

Specifically, in response to comments that the OCC should include more data collection requirements under part 27, the agency explained its reasoning for limiting the data collection requirements and stated that “the Comptroller will regularly review the efficiency and effectiveness of [the data collection] requirements, as well as the value of statistical analysis through the use of electronic data processing, to determine whether the regulatory scope should be reexamined in the future.” While this statement was made in contemplation of a future review of the regulatory scope of the regulation to determine whether more data should be collected under part 27, the conclusions drawn from the OCC's review of the efficiency and effectiveness of a regulation will depend on the particular facts, which the OCC believes weigh in favor of rescission in this instance.

¹⁶ See Executive Order 14192, 90 FR 9065 (Feb. 6, 2025). The OCC also regularly conducts reviews under the Economic Growth and Regulatory Paperwork Reduction Act of 1996, Public Law 104–208 (1996) (EGRPRA). The OCC received a public comment pursuant to its 2014–17 EGRPRA review suggesting that the OCC could reduce regulatory burden by removing part 27. See Federal Financial Institutions Examination Council Joint Report to Congress, Economic Growth and Regulatory Paperwork Reduction Act, (March 2017) (commenter noting that the regulation has not been updated since 1994, that the regulation is duplicative of the HMDA and Fair Housing Act, and that the regulation is outdated because it refers to the Board's Regulation C and not the CFPB's HMDA rule).

¹⁷ 12 CFR part 1003.

¹⁸ 12 CFR part 1002.

¹⁹ As part of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank), rulemaking authority pursuant to HMDA and ECOA shifted from the Federal Reserve Board (Board) to the Consumer Financial Protection Bureau (CFPB). Public Law 111–203, 124 Stat. 1376 (July 21, 2010). Dodd-Frank also required the CFPB to amend Regulation C. The CFPB amended Regulation C, and subsequently Regulation B to conform to revised Regulation C. See 80 FR 66128 (Oct. 28, 2015); 82 FR 43088 (Sept. 13, 2017).

²⁰ See 12 CFR 27.3(a)(1)(i); See also 12 CFR 1003.4(a)(16).

²¹ Compare data points required by 12 CFR 27.3(b) with data points required under 12 CFR 1003.4.

²² In 2008, the OCC amended part 27 to remove banks chartered in Washington, DC from the scope of the regulation since those entities are no longer national banks. See 73 FR 22216, 22232 (Apr. 24, 2008).

²³ Compare for example, the data collection requirements under 12 CFR 27.3(b)(1) with the data collection requirements under Regulation B (12 CFR 1002.5, 1002.13) and Regulation C (12 CFR 1003.4).

²⁴ See 12 CFR 1002.13(a)(1)(i).

Insurance Corporation (FDIC)—do not have regulations that require the separate collection of home loan data from their supervised institutions and rely largely on the data collected pursuant to Regulations B and C to conduct fair lending analyses. Therefore, because part 27 only applies to national banks, national banks have more home loan data collection requirements than other depository institutions.

Limited Utility. The OCC considered whether, notwithstanding the issues discussed above, the unique data collection and maintenance requirements of part 27 offer a sufficient countervailing benefit when compared to the regulatory burden imposed on national banks by the rule. After considering how the OCC uses home loan data in its supervisory activities, the OCC believes that any burden the rule imposes on national banks is not justified by the limited utility of data collection under part 27. Specifically, the OCC largely utilizes information collected pursuant to the HMDA and ECOA to conduct its supervisory activities. The OCC only considers part 27 data in limited circumstances where the data requirements do not overlap. Further, as noted above, part 27 data is most useful in helping to assess fair lending risk, and any resulting fair lending examinations would require the OCC to engage in sampling to obtain necessary home loan data.

Specifically, with regard to the subset of national banks that are non-HMDA reporters and originate more than 50 loans annually, the OCC may obtain the information that part 27 currently requires these national banks to collect pursuant to the agency's general supervisory authority and its supervisory authority under the Fair Housing Act and ECOA.²⁵ Therefore, national banks' collection and maintenance of home loan data under part 27 have limited utility for the OCC when considering the related burden on national banks. Moreover, while the removal of part 27 would reduce regulatory burden for all national banks, the main benefactors of this burden reduction would be non-HMDA reporters that originate more than 50 loans annually, which are typically smaller national banks. This is because HMDA-reporters will continue to collect and maintain required home loan data in accordance with Regulations B and C.

Part 27 data also has limited utility for external stakeholders. Specifically, the part 27 data requirements are collection and maintenance requirements. Unlike

the HMDA data, part 27 data is not publicly available. Therefore, removal of part 27 would not result in a reduction in the data available for external stakeholders' home loan data analysis.

Alternatives Considered. The OCC considered, as an alternative, revising part 27 to bring it into conformity with Regulations B and C. However, the OCC believes rescission is the better approach because, even if the OCC updated the regulation to conform with Regulations B and C, part 27 would still be largely duplicative of those other regulations and the utility of the non-duplicative data does not outweigh the regulatory burden on national banks to collect and maintain that data.

Request for Comment. For the reasons discussed above, the OCC is proposing to rescind part 27 in its entirety. The OCC invites comments on all aspects of the proposal to rescind part 27 discussed in this **SUPPLEMENTARY INFORMATION**.

II. Regulatory Analysis

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),²⁶ the OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC has reviewed the notice of proposed rulemaking and determined that it would not create any new or revise any existing, collections of information under the PRA and therefore, require no PRA filings, other than a discontinuance request to OMB for the currently approved "Fair Housing Home Loan Data System Regulation (1557–0159)" information collection following the finalization of the rule.

Title of Information Collection: Fair Housing Home Loan Data System Regulation.

OMB control number: 1557–0159.

Affected Public: Businesses or other for-profit.

Description: Under the current 12 CFR part 27 certain national banks are required to record certain home loan data home loan data if they: (1) are otherwise required to maintain and report data pursuant to Regulation C,²⁷ which implements HMDA,²⁸ in which case they are HMDA reporters or (2) receive more than 50 home loan applications annually. Specifically, national banks that are HMDA reporters meet the part 27 requirement by

recording HMDA data along with the reasons for denying any loan application on the HMDA Loan Application/Register (LAR).²⁹ A national bank that is not a HMDA reporter but that receives more than 50 home loan applications annually must comply with part 27 by either: (1) recording and reporting HMDA data and denial reasons on the LAR as if they were a HMDA reporter³⁰ or (2) recording and maintaining part 27-specified activity data relating to aggregate numbers of certain types of loans by geography and action taken.³¹ Part 27 also requires that all national banks, including those not subject to the recording requirements, to maintain certain application and loan information in loan files. Part 27 further provides that the OCC may require national banks to maintain and submit additional information if there is reason to believe that the bank engaged in discrimination.

Current Burden

Number of Respondents: 702.

Total Annual Burden: 12,632 hours.

Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires an agency, in connection with a proposed rule, to prepare an Initial Regulatory Flexibility Analysis describing the impact of the rule on small entities (defined by the Small Business Administration (SBA) for purposes of the RFA to include commercial banks and savings institutions with total assets of \$850 million or less and trust companies with total assets of \$47 million or less) or to certify that the proposed rule would not have a significant economic impact on a substantial number of small entities. The OCC currently supervises approximately 609 small entities.³²

The OCC estimates that the proposed rule would not have a significant economic impact on a substantial number of small entities, as the

²⁹ 12 CFR 27.3(a)(1)(i).

³⁰ 12 CFR 27.3(a)(5).

³¹ 12 CFR 27.3(a)(2).

³² The OCC bases the estimate of the number of small entities on the Small Business Administration's size thresholds for commercial banks and savings institutions (NAICS Code: 522110), and trust companies (NAICS Code: 523991), which are \$850 million and \$47 million, respectively. Consistent with the General Principles of Affiliation 13 CFR 121.103(a), the OCC counts the assets of affiliated financial institutions when determining whether to classify an OCC-supervised institution as a small entity. The OCC uses December 31, 2024, to determine size because a "financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year." See footnote 8 of the U.S. Small Business Administration's *Table of Size Standards*.

²⁵ 12 U.S.C. 481; 12 CFR part 4.

²⁶ 44 U.S.C. 3501–3521.

²⁷ 12 CFR part 1003.

²⁸ 12 U.S.C. 2801 *et seq.*

proposed rule would rescind an existing regulation and does not contain any new mandates. Accordingly, an Initial Regulatory Flexibility Analysis is not required, and the OCC certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

The OCC analyzed the proposed rule under the factors set forth in the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532). Under this analysis, the OCC considered whether the proposed rule includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year (adjusted for inflation). Because the proposed rule would rescind or amend existing regulations and does not contain any new mandates, the OCC estimates that the proposed rule would not result in an expenditure of \$100 million or more annually by State, local, and Tribal governments, or by the private sector (adjusted for inflation). The OCC estimates that the costs associated with proposed rule, if finalized as proposed, would be *de minimis*. Accordingly, the OCC has not prepared the written statement described in section 202 of the UMRA.

Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994,³³ in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, the OCC will consider, consistent with the principles of safety and soundness and the public interest: (1) any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions and customers of depository institutions and (2) the benefits of the proposed rule. The OCC requests comment on any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions and their customers, and the benefits of the proposed rule that the OCC should consider in determining the effective date and administrative compliance requirements for a final rule.

Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023³⁴ requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website www.regulations.gov.

The OCC invites public comment on a proposed rule to rescind the Fair Housing Home Loan Data System regulation codified at 12 CFR part 27 to remove any conflict with Regulations B and C or duplication for national banks.

The proposal and the required summary can be found at <https://www.regulations.gov> by searching for Docket ID OCC–2025–0405 and <https://occ.gov/topics/lawsfdo-and-regulations/occ-regulations/proposed-issuances/index-proposed-issuances.html>.

Executive Orders 12866 and 14192

Executive Order 12866, titled “Regulatory Planning and Review,” as amended, requires the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, to determine whether a proposed rule is a “significant regulatory action.” If OIRA finds the proposed rule to be a “significant regulatory action,” Executive Order 12866 requires the OCC to conduct a regulatory impact analysis (RIA) of the rule, which includes a cost-benefit analysis, and for OIRA to conduct a review of the proposed rule prior to the disclosure of the proposed rule to the public. Executive Order 12866 defines “significant regulatory action” to mean a regulatory action that is likely to (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in Executive Order 12866.

Executive Order 12866, as amended, provides that OIRA will review all “significant regulatory actions” as

defined therein. OIRA has determined that this proposal is not a “significant regulatory action” for purposes of Executive Order 12866.

Executive Order 14192, titled “Unleashing Prosperity Through Deregulation,” separately requires that an agency, unless prohibited by law, identify at least 10 existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation with total costs greater than zero. Executive Order 14192 further requires that 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 ten prior regulations. The OCC expects the proposed rule will be a deregulatory action under Executive Order 14192 because it would potentially result in costs savings for affected OCC-supervised institutions.

List of Subjects in 12 CFR Part 27

Civil rights, Credit, Fair housing, Mortgages, National banks, Reporting and recordkeeping requirements.

PART 27—[REMOVED AND RESERVED]

For the reasons stated in the preamble, under the authority of 12 U.S.C. 93a, the OCC proposes to remove and reserve 12 CFR part 27.

Jonathan V. Gould,
Comptroller of the Currency.

[FR Doc. 2025–20202 Filed 11–17–25; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 30

[Docket ID OCC–2025–0339]

RIN 1557–AF40

Rescission of OCC Guidelines Establishing Standards for Recovery Planning by Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The OCC proposes amending 12 CFR part 30 by rescinding appendix E, OCC Guidelines Establishing Standards for Recovery Planning by Certain Large Insured National Banks,

³³ 12 U.S.C. 4802(a).

³⁴ 12 U.S.C. 553(b)(4).

Insured Federal Savings, and Insured Federal Branches.

DATES: Comments must be received on or before December 18, 2025.

ADDRESSES: Commenters are encouraged to submit comments through the Federal eRulemaking Portal. Please use the title “Rescission of OCC Guidelines Establishing Standards for Recovery Planning by Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches” to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—Regulations.gov:*

Go to <https://regulations.gov>. Enter Docket ID “OCC–2025–0339” in the Search Box and click “Search.” Public comments can be submitted via the “Comment” box below the displayed document information or by clicking on the document title and then clicking the “Comment” box on the top-left side of the screen. For help with submitting effective comments, please click on “Commenter’s Checklist.” For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 9 a.m.–5 p.m. EST or email regulationshelpdesk@gsa.gov.

- *Mail:* Chief Counsel’s Office, Attention: Comment Processing, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

Instructions: You must include “OCC” as the agency name and Docket ID “OCC–2025–0339” in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *Regulations.gov* website without change, including any business or personal information provided such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this action by the following method:

- *Viewing Comments Electronically—Regulations.gov:*

Go to <https://regulations.gov>. Enter Docket ID “OCC–2025–0339” in the Search Box and click “Search.” Click on

the “Documents” tab and then the document’s title. After clicking the document’s title, click the “Browse Comments” tab. Comments can be viewed and filtered by clicking on the “Sort By” drop-down on the right side of the screen or the “Refine Results” options on the left side of the screen. Supporting materials can be viewed by clicking on the “Documents” tab and filtered by clicking on the “Sort By” drop-down on the right side of the screen or the “Refine Documents Results” options on the left side of the screen.” For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 9 a.m.–5 p.m. EST or email regulationshelpdesk@gsa.gov.

The docket may be viewed after the close of the comment period in the same manner as during the comment period.

FOR FURTHER INFORMATION CONTACT:

Sean Young, Chief Counsel’s Office, (202) 649–5490; Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background

On September 29, 2016, the OCC issued Guidelines Establishing Standards for Recovery Planning by Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches (Guidelines).¹ Under the Guidelines, an insured national bank, insured Federal savings association, or insured Federal branch subject to the standards (covered banks) should have a recovery plan that includes (1) quantitative or qualitative indicators of the risk or existence of severe stress that reflect its particular vulnerabilities; (2) a wide range of credible options that it could undertake in response to the stress to restore its financial strength and viability; and (3) an assessment and description of how these options would affect it. The Guidelines provide that a recovery plan should also address (1) the covered bank’s overall organizational and legal entity structure and its interconnections and interdependencies; (2) procedures for escalating decision-making to senior management or the board of directors or an appropriate committee thereof

¹ 81 FR 66791 (Sept. 29, 2016). The Guidelines are codified at 12 CFR part 30, appendix E. They were issued pursuant to section 39 of the Federal Deposit Insurance Act, 12 U.S.C. 1831p–1, which authorizes the OCC to prescribe enforceable safety and soundness standards.

(board); (3) management reports; (4) communication procedures; and (5) any other information the OCC communicates in writing. The Guidelines also set forth the responsibilities of management and the board with respect to the covered bank’s recovery plan.

The 2016 Guidelines applied to banks with total consolidated assets of \$50 billion or more. In 2018, the OCC amended the Guidelines to raise the threshold to \$250 billion based on its view, at that time, that these larger, more complex, and potentially more interconnected banks presented greater systemic risk to the financial system and would benefit most from recovery planning.²

In October 2024, the OCC amended the Guidelines to apply to banks with average total consolidated assets of \$100 billion or more; incorporate a testing standard; and clarify the role of non-financial (including operational and strategic) risk in recovery planning.³

II. Rescission of Guidelines

As a part of the ongoing assessment of the agency’s supervisory framework to identify and eliminate unnecessary regulatory burden, the OCC is proposing to amend 12 CFR part 30 by rescinding the Guidelines contained in appendix E. The Guidelines cause covered banks to direct significant resources towards developing responsive documentation. In the OCC’s experience, much of this documentation is, by its nature, scenario-dependent or otherwise conjectural and, therefore, is likely to be irrelevant or of limited utility when a covered bank faces stress. Appropriate recovery options and communication procedures, for example, may vary widely depending on the facts and circumstances of the particular stress scenario, including many that would be outside of the covered banks’ control or ability to reliably predict. Likewise, impact assessments for such recovery options appear conjectural by nature and of limited utility in an actual stress scenario.

The OCC has also observed that covered banks are well attuned to indicia of stress without regard to the presence of the recovery planning triggers and escalation procedure expectations of the Guidelines. Moreover, the OCC is concerned that escalation or communication procedures or other actions tied to such triggers may be unnecessary or inappropriate under the particular facts and circumstances of a stress scenario.

² 83 FR 66604 (Dec. 27, 2018).

³ 89 FR 84255 (Oct. 22, 2024).

More generally, the OCC believes that proper risk management should be a dynamic process that involves real-time responses to the facts and circumstances of a stress event or periods of stress. As such, the OCC would not necessarily expect adherence to recovery plans. Rather, the OCC would expect to closely monitor a covered bank as it assesses and responds to a stress event.⁴ Banks are in the business of risk management and are constantly assessing and adjusting their operations to adapt to evolving risk factors and conditions. Relieving covered banks of the obligation to engage in prescriptive recovery planning activities will further restore the risk management function to bank management's control and enhances resource availability that can be directed towards improving risk management operations and other productive activities.

Further, the OCC's existing safety and soundness standards require all insured depository institutions to have effective risk management processes, including in times of stress, that is commensurate with the size, complexity, and risk of their activities.⁵ In addition, the OCC expects financial institutions of all sizes to consider and appropriately address all material risks in their operating environment and be resilient to a range of risks.⁶ Further, the OCC expects that all institutions have a formal contingency funding plan that considers a range of possible stress scenarios, assesses the stability of funding during periods of stress, and provides for a broad range of funding sources under adverse conditions.⁷ The duplication of

these principles in the Guidelines can be eliminated without undermining the structural integrity of prudent regulation of covered banks.

Finally, unlike statutorily mandated resolution planning,⁸ there is no statutory requirement that covered banks undertake recovery planning. Rather, the Guidelines impose an unnecessary regulatory burden on covered banks that consumes valuable resources and fails to account for management's ability to assess and manage risks prior to and during periods of stress. Therefore, the OCC is proposing to amend 12 CFR part 30 by rescinding the Guidelines contained in appendix E.

III. Request for Feedback

Question 1. Should the OCC codify the contingency funding plan expectations set forth in the Interagency Policy Statement on Funding and Liquidity Risk Management and the Addendum to the Interagency Policy Statement on Funding and Liquidity Risk Management: Importance of Contingency Funding Plans? If so, should the codified contingency funding plan requirements apply to all OCC-regulated institutions or a subset of regulated entities?⁹

IV. Request for Comment

The OCC encourages comment on any aspect of this proposal and especially on the specific issues discussed in this **SUPPLEMENTARY INFORMATION** section.

V. Regulatory Analysis

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),¹⁰ the OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC has reviewed the notice of proposed rulemaking and determined that it would not create any new or revise any existing, collections of information under the PRA and therefore, require no PRA filings, other than a discontinuance request to OMB for the currently approved "Guidelines

Establishing Standards for Recovery Planning by Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches (1557–0333)" information collection following the finalization of the rule.

Title of Information Collection: OCC Guidelines Establishing Standards for Recovery Planning by Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches.

OMB Control Number: 1557–0333.

Affected Public: Businesses or other for-profit organizations.

Description: Twelve CFR part 30, appendix E, current Guidelines apply to national banks, insured Federal savings associations, and insured Federal branches of foreign banks with total consolidated assets of \$100 billion or more. The OMB previously approved the collection of information in the current Guidelines, which are found at paragraphs II.B., II.C., and III. Specifically, paragraph II.B. lists the elements of the recovery plan, which are an overview of the covered bank; triggers; options for recovery; impact assessments; escalation procedures; management reports; communication procedures; and other information. Paragraph II.C. addresses the relationship of the plan to other covered bank processes and coordination with other plans, including the processes and plans of its bank holding company. Paragraph III. outlines management and the board's responsibilities. The Guidelines also include a testing standard, which provides that a covered bank should test its recovery plan.

Additionally, the Guidelines clarify the role of non-financial risk (including operational and strategic risk) in recovery planning.

Current Burden

Frequency of Response: On occasion.

Total Number of Respondents: 21.

Total Burden per Respondent: 32,017 hours.

Total Burden for Collection: 672,360 hours.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires an agency, in connection with a proposed rule, to prepare an Initial Regulatory Flexibility Analysis describing the impact of the rule on small entities (defined by the Small Business Administration (SBA) for purposes of the RFA to include commercial banks and savings institutions with total assets of \$850 million or less and trust companies with total assets of \$47 million or less) or to

⁴ Although the OCC does not intend to discourage covered banks from developing plans to address stress scenarios, the OCC does not expect to require or review the appropriateness of such plans, nor does it expect for the covered bank to adhere to such plan unless it is the most consistent with the bank's safe and sound operations under the circumstances.

⁵ Section 39 of the Federal Deposit Insurance Act, 12 U.S.C. 1831p–1 requires the OCC to prescribe safety and soundness standards for insured depository institutions. Such standards were implemented by rule in 12 CFR part 30, appendix A. These guidelines address, among other things, operational and managerial standards relating to (1) internal controls, information systems; (2) internal audit systems; (3) loan documentation; (4) credit underwriting; (5) interest rate risk exposure; (6) asset growth; (7) asset quality; (8) earnings; and (9) compensation.

⁶ See, e.g., the *Bank Supervision Process* booklet of the *Comptroller's Handbook*, <https://www.occ.gov/publications-and-resources/publications/comptrollers-handbook/files/bank-supervision-process/index-bank-supervision-process.html>.

⁷ See Addendum to the Interagency Policy Statement on Funding and Liquidity Risk Management: Importance of Contingency Funding Plans, OCC Bulletin 2023–25, which can be accessed here: [https://www.occ.gov/news-](https://www.occ.gov/news-issuances/news-releases/2023/nr-ia-2023-82a.pdf)

[issuances/news-releases/2023/nr-ia-2023-82a.pdf](https://www.occ.gov/news-issuances/news-releases/2023/nr-ia-2023-82a.pdf); see also Interagency Policy Statement on Funding and Liquidity Risk Management, Federal Reserve SR 10–6 (March 17, 2010), FDIC FIL–13–2010 (April 10, 2010), and OCC Bulletin 2010–13 (March 22, 2010). These individual agency issuances released the 2010 Interagency Policy Statement on Funding and Liquidity Risk Management, which can be accessed here: <https://www.govinfo.gov/content/pkg/FR-2010-03-22/pdf/2010-6137.pdf>.

⁸ See 12 U.S.C. 5365.

⁹ See *supra* note 7.

¹⁰ 44 U.S.C. 3501 *et seq.*

certify that the proposed rule would not have a significant economic impact on a substantial number of small entities. However, under section 605(b) of the RFA, this analysis is not required if an agency certifies that the rule would not have a significant economic impact on a substantial number of small entities and publishes its certification and a short explanatory statement in the **Federal Register** along with its rule.

The OCC certifies that the proposed rescission of part 30, appendix E, if adopted, will not have a significant impact on a substantial number of small entities. Twelve CFR part 30, appendix E currently applies to only those insured national bank, insured Federal savings association, or insured Federal branch with average total consolidated assets of \$100 billion or more. Therefore, the rescission of appendix E would impact no small entities supervised by the OCC. Accordingly, an initial Regulatory Flexibility Analysis is not required.

Unfunded Mandates Reform Act of 1995

The OCC analyzed the proposed rule under the factors set forth in the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532). Under this analysis, the OCC considered whether the proposed rule includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more (currently \$187 million, as adjusted annually for inflation) in any one year. The OCC has determined that the cost savings associated with the rescission of the Guidelines' mandates will be approximately \$20 million. Therefore, the OCC concludes that the rescission of 12 CFR part 30, appendix E, will not result in an expenditure of \$187 million or more annually by State, local, and Tribal governments, in the aggregate, or by the private sector.

Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994,¹¹ in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, the OCC must consider, consistent with the principles of safety and soundness and the public interest: (1) any administrative burdens that the proposed rule would place on depository institutions, including small

depository institutions, and customers of depository institutions and (2) the benefits of the proposed rule. This rulemaking would not impose additional reporting, disclosure, or other requirements on insured depository institutions. Therefore, section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 does not apply to this rulemaking.

Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023¹² requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website www.regulations.gov.

The proposed rulemaking would rescind the OCC's Guidelines Establishing Standards for Recovery Planning by Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches contained in appendix E of 12 CFR part 30.

The proposal and the required summary can be found at <https://www.regulations.gov> by searching for Docket ID OCC-2025-0339 and <https://occ.gov/topics/laws-and-regulations/occ-regulations/proposed-issuances/index-proposed-issuances.html>.

Executive Orders 12866 and 14192

Executive Order 12866, titled "Regulatory Planning and Review," as amended, provides that the Office of Information and Regulatory Affairs (OIRA), will review all "significant regulatory actions" as defined therein. OIRA has determined that this proposal is not a "significant regulatory action" for purposes of Executive Order 12866.

Executive Order 14192, titled "Unleashing Prosperity Through Deregulation," separately requires that an agency, unless prohibited by law, identify at least 10 existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation with total costs greater than zero. Executive Order 14192 further requires that 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 ten prior regulations. The OCC expects the proposed rule will be a deregulatory action under Executive Order 14192.

List of Subjects in 12 CFR Part 30

Administrative practice and procedure, National banks, Reporting and recordkeeping requirements.

PART 30—SAFETY AND SOUNDNESS STANDARDS

Appendix E to Part 30 [Removed]

■ For the reasons stated in the preamble, and under the authority of 12 U.S.C. 93a and 12 U.S.C. 1831p-1, the Office of the Comptroller of the Currency proposes to remove Appendix E to part 30.

Jonathan V. Gould,

Comptroller of the Currency.

[FR Doc. 2025-20199 Filed 11-17-25; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. **FAA-2025-3998**; Project Identifier **AD-2025-00432-E**]

RIN 2120-AA64

Airworthiness Directives; General Electric Company Engines

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 General Electric Company (GE) Model CF34-8C1, CF34-8C5, CF34-8C5A1, CF34-8C5A2, CF34-8C5B1, CF34-8E2, CF34-8E2A1, CF34-8E5, CF34-8E5A1, CF34-8E5A2, CF34-8E5A2HA, CF34-8E6, and CF34-8E6A1 engines. This proposed AD was prompted by reports of in-flight "Engine Degraded" messages from the engine indicating and crew alerting system (EICAS) due to corrosion of the variable geometry (VG) system actuator. This proposed AD would require removing certain electronic engine control (EEC) full authority digital electronic control (FADEC) software versions from service and installing an updated EEC FADEC software that is eligible for installation. 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:

¹¹ 12 U.S.C. 4802(a).

¹² 12 U.S.C. 553(b)(4).

• *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–2025–3998; 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.

FOR FURTHER INFORMATION CONTACT:

Daiyun Fang, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (206) 910–0063; email: *daiyun.fang@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–2025–3998; Project Identifier AD–2025–00432–E” 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 revise 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 Daiyun Fang, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. 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 FAA was notified of three separate events involving airplanes with Model GE CF34–8C5 engines installed in which “Engine Degraded” messages were received from the EICAS during flight. A subsequent investigation by the manufacturer revealed that these engines had been operated infrequently over the two-year period prior to these events and stored in close proximity to a saltwater coastline. The investigation further revealed the variable geometry

(VG) actuation lever arms were stuck due to corrosion between the high-pressure compressor case and vane bushings, which increased the VG actuation loads and slowed the VG response. As a result of this increase, the VG command and actual positions exceeded acceptable disagreement parameters, triggering an EICAS “Engine Degraded” message. In response to the “Engine Degraded” message, the manufacturer and FAA determined that certain versions of the EEC FADEC software installed on GE CF34–8E and GE CF34–8C engines can potentially reduce the engine to idle and lock the throttle until the engine is shut down and restarted. This condition, if not addressed, could result in failure of one or more engines, loss of engine thrust control, and consequent reduced control of the airplane.

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.

Proposed AD Requirements in This NPRM

This proposed AD would require removal of certain EEC FADEC software versions from service and installing updated EEC FADEC software that is eligible for installation.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 3,040 engines installed on airplanes of U.S. registry. The FAA estimates that 70 of these affected engines will also require an additional memory upgrade of the EEC FADEC software from a three memory sector configuration to a seven memory sector configuration.

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
Remove and install EEC FADEC software	8 work-hours × \$85 per hour = \$680	\$660	\$1,340	\$4,073,600
Upgrade EEC FADEC software to seven sectors (70 engines).	8 work-hours × \$85 per hour = \$680	49,000	49,680	3,477,600

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:

General Electric Company: Docket No. FAA-2025-3998; Project Identifier AD-2025-00432-E.

(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 General Electric Company (GE) Model engines identified in paragraphs (c)(1) and (2) of this AD.

(1) CF34-8C1, CF34-8C5, CF34-8C5A1, CF34-8C5A2, and CF34-8C5B1 engines with an electronic engine control (EEC) full authority digital electronic control (FADEC) part number (P/N) 4120T00P29, 4120T00P30, 4120T00P37, 4120T00P38, 4120T00P45, 4120T00P46, 4120T00P53, 4120T00P54, 4120T00P57, or 4120T00P58 installed.

(2) CF34-8E2, CF34-8E2A1, CF34-8E5, CF34-8E5A1, CF34-8E5A2, CF34-8E5A2HA, CF34-8E6, and CF34-8E6A1 engines with an EEC FADEC P/N 4120T00P42 (VIN 111E9320G43), P/N 4120T00P44 (VIN 111E9320G45), P/N 4120T00P48 (VIN 111E9320G49), P/N 4120T00P50 (VIN 111E9320G51), or P/N 4120T00P60 (VIN 111E9320G61) installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by an "Engine Degraded" message received in-flight from the engine indicating and crew alerting system, due to corrosion of the variable geometry system actuator. The FAA is issuing this AD to prevent EEC FADEC software from automatically locking the engine at idle until it is restarted. The unsafe condition, if not addressed, could result in failure of one or more engines, loss of engine thrust control, and consequent reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) For Group 1 engines, within 12 months after the effective date of this AD, replace any EEC FADEC software version that is V6.50 or earlier with an EEC FADEC software version that is eligible for installation.

(2) For Group 2 engines, within 12 months after the effective date of this AD, replace any EEC FADEC software version that is V5.60 or earlier with an EEC FADEC software version that is eligible for installation.

(h) Definitions

For the purpose of this AD, the following definitions apply:

(1) "Group 1 engines" are GE Model CF34-8C1, CF34-8C5, CF34-8C5A1, CF34-8C5A2, and CF34-8C5B1 engines.

(2) "Group 2 engines" are GE Model CF34-8E2, CF34-8E2A1, CF34-8E5, CF34-8E5A1, CF34-8E5A2, CF34-8E5A2HA, CF34-8E6, and CF34-8E6A1 engines.

(3) An "EEC FADEC software version that is eligible for installation" on Group 1 engines is any software version that is V6.60 or later approved version.

(4) An "EEC FADEC software version that is eligible for installation" on Group 2 engines is any software version that is V5.70 or later approved version.

(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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of AIR-520 Continued Operational Safety Branch, send it to the

attention of the person identified in paragraph (j) of this AD and email to: AMOC@faa.gov.

(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.

(j) Additional Information

For more information about this AD, contact Daiyun Fang, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (206) 910-0063; email: daiyun.fang@faa.gov.

(k) Material Incorporated by Reference

None.

Issued on November 6, 2025.

Peter A. White,

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

[FR Doc. 2025-20089 Filed 11-17-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-3429; Project Identifier AD-2024-00722-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 supersede Airworthiness Directive (AD) 2017-19-26, which applies to certain The Boeing Company Model 737-600, -700, -700C, -800, and -900 series airplanes. AD 2017-19-26 requires repetitive inspections for cracks along the chem-milled steps of the fuselage skin and missing or loose fasteners in the area of the preventive modification or repairs; replacement of the time-limited repair with a permanent repair, if applicable; and applicable corrective actions that end certain repetitive inspections. AD 2017-19-26 also requires repetitive inspections for modified airplanes. Since the FAA issued AD 2017-19-26, the FAA has determined that the compliance times are not adequate. This proposed AD would continue to require certain actions in AD 2017-19-26 but at reduced compliance times. This proposed AD would also revise instructions for the preventative modification and remove instructions

for the permanent and time-limited repairs. 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-2025-3429; 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 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-2025-3429.

FOR FURTHER INFORMATION CONTACT: Luis Cortez-Muniz, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3958; email: *luis.a.cortez-muniz@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-2025-3429; Project Identifier AD-2024-00722-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 the 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 proposed AD.

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 Luis Cortez-Muniz, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3958; email: *luis.a.cortez-muniz@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 2017-19-26, Amendment 39-19056 (82 FR 44504, September 25, 2017) (AD 2017-19-26), for The Boeing Company Model 737-600, -700, -700C, -800, and -900 series airplanes with certain line numbers. AD 2017-19-26 was prompted by a fatigue test that revealed numerous cracks in the upper skin panel at the chem-milled step above the lap joint, followed by an evaluation by the design approval holder (DAH) that indicated that the upper skin panel at the chem-milled step above the lap joint is subject to widespread fatigue damage (WFD) if the preventative modification was installed after 30,000 total flight cycles. AD 2017-19-26 requires repetitive inspections for cracks along the chem-milled steps of the fuselage skin and missing or loose

fasteners in the area of the preventive modification or repairs; replacement of the time-limited repair with a permanent repair, if applicable; and applicable corrective actions which would end certain repetitive inspections. AD 2017-19-26 also requires repetitive inspections for modified airplanes. The FAA issued AD 2017-19-26 to detect and correct cracking of the upper skin panel at the chem-milled step above the lap joint, which could result in reduced structural integrity of the airplane.

Actions Since AD 2017-19-26 Was Issued

Since the FAA issued AD 2017-19-26, the FAA received reports of five chemically milled skin cracks in an area just above the S-4 lap joint on airplanes with 38,000 and 53,000 total flight cycles. One of the cracks was found before the airplane reached the next repeat interval specified in Boeing Alert Service Bulletin 737-53A1232, Revision 3, dated July 27, 2015. As a result of these findings, the FAA has determined that reduced inspection intervals for the chem-mill areas and post-modification inspections (for airplanes on which the optional preventative modification is accomplished), as well as revised instructions for the preventative modification and removal of the instructions for the permanent and time-limited repairs, are now necessary to address the unsafe condition.

In addition, the FAA has determined that the end-level effect for the unsafe condition is rapid decompression of the airplane. The FAA has revised this NPRM accordingly.

The FAA is considering superseding similar ADs for Model 737-600, -700, -700C, -800, -900, and -900ER series airplanes common to different locations, which have crown skin panels that are of a similar design as those on Model 737-600, -700, -700C, -800, and -900 series airplanes addressed by this proposed AD and may be subject to the same unsafe condition.

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 Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024. This material specifies procedures for repetitive external detailed inspections and either (1) external medium frequency eddy

current (MFEC), magneto optic imager (MOI), or C-scan inspections or (2) external ultrasonic phased array (UTPA) inspections for cracks in the fuselage skin at chem-milled steps and pockets at certain locations, and repairing any cracks, as well as repetitive post-permanent repair inspections, and post-time-limited repair inspections. This material specifies that accomplishment of the preventative modification terminates the repetitive inspections. The preventative modification includes an external eddy current inspection of

the skin and fastener holes for any crack and installation of a doubler. 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](https://www.faa.gov/regulations) by searching for and locating Docket No. FAA–2025–3429.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 307 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
Inspections	Up to 25 work-hours × \$85 per hour = \$2,125 per inspection cycle.	\$0	Up to \$2,125 per inspection cycle.	Up to \$652,375 per inspection cycle.

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Action	Labor cost	Parts cost	Cost per product
Preventative Modification	Up to 956 work-hours × \$85 per hour = \$81,260	Minimal	\$81,260.
Post-modification inspections ..	Up to 92 work-hours × \$85 per hour = \$7,820 per inspection cycle.	\$0	7,820 per inspection cycle.

The extent of cracking found during the inspections could vary significantly from airplane to airplane. The FAA has no way of determining which conditions may be found on each airplane, the cost to correct or repair each airplane, or the number of airplanes that may require repair.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA has determined that this 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 that the 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) 2017–19–26, Amendment 39–19056 (82 FR 44504, September 25, 2017), and

- b. Adding the following new AD:

The Boeing Company: Docket No. FAA–2025–3429; Project Identifier AD–2024–00722–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 2017–19–26, Amendment 39–19056 (82 FR 44504, September 25, 2017) (AD 2017–19–26).

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–600, –700, –700C, –800, and –900 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1232, Revision 4, dated May 22, 2024.

(2) Installation of Supplemental Type Certificate (STC) ST00830SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE is installed, a “change in product” alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a fatigue test that revealed numerous cracks in the upper skin panel at the chem-milled step above the lap joint, followed by an evaluation by the design approval holder (DAH) that indicated that location is subject to widespread fatigue damage (WFD) on airplanes on which the preventative modification was installed after 30,000 total flight cycles, and by reports of fuselage fatigue cracks just above the S-4 lap joint. The FAA is issuing this AD to detect and correct fatigue cracking of the upper skin panel at the chem-milled step above the lap joint. The unsafe condition, if not addressed, could result in rapid decompression of the airplane.

(f) Compliance

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

(g) Inspections of the Upper Skin Panel at Chem-Milled Steps and Pockets

At the applicable times specified in tables 1, 2, and 3 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024, except as required by paragraph (h) of this AD: Do an external detailed inspection and an external nondestructive inspection (a medium frequency eddy current (MFEC), magneto optic imager (MOI), C-scan, or ultrasonic phased array (UTPA) inspection) for any crack in the fuselage skin at the chem-milled steps, post-permanent repair inspections, and post-time-limited repair inspections, at certain locations specified in, and in accordance with, paragraphs 3.B.1, 3.B.3, and 3.B.4, as applicable, of the Accomplishment Instructions of Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024. Repeat the inspections thereafter at the applicable time specified in tables 1, 2, and 3 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024.

(h) Exceptions to Service Information Specifications

(1) Where ACTION 2 of Part IV and ACTION 2 of Part VII of the Accomplishment Instructions of Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024, specifies to contact Boeing for work instructions or replacement instructions, this AD requires doing the instructions using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(2) Where the Compliance Time column in the tables under the "Compliance" paragraph of Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024, refers to the Revision 4 date of this service bulletin, this AD requires using the effective date of this AD.

(3) For airplanes on which the actions specified in paragraph (g) of this AD are required: Inspections specified in table 1 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024, are not required in areas that are spanned by an

FAA-approved repair that has a minimum of 3 rows of fasteners above and below the chem-milled step, provided that the repair was installed before October 30, 2017 (the effective date of AD 2017-19-26). Operators must accomplish post-repair inspections at the applicable time specified in table 2 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024, except as required by paragraph (h)(5) of this AD.

(4) For any airplane that has an external doubler covering the chem-milled step, but the doubler does not span the step by a minimum of 3 rows of fasteners above and below the chem-milled step and the doubler was installed before October 30, 2017 (the effective date of AD 2017-19-26): One method of compliance with the inspection requirement of paragraph (g) of this AD for the inspections specified in table 1 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024, is to inspect all chem-milled steps covered by the repair using non-destructive test (NDT) methods approved in accordance with the procedures specified in paragraph (n) of this AD. These repairs are to be considered time-limited and are subject to the post-repair supplemental inspections and replacement at the times specified in table 3 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024, except as required by paragraph (h)(5) of this AD.

Note 1 to paragraph (h)(4): Guidance for the procedures for the alternative inspection specified in paragraph (h)(4) of this AD can be found in the Boeing 737 NDT Manual, Part 6, Subject 53-30-20.

(5) For airplanes on which Supplemental Type Certificate (STC) ST01697SE has been incorporated, all initial compliance times (thresholds) specified in flight cycles must be reduced to 1/2 and all repeat interval compliance times specified in flight cycles must be reduced to 1/4 of those specified in Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024.

(i) Repair

If any cracking is found during any inspection required by paragraph (g) or (h) of this AD, before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(j) Additional Actions for Modified Airplanes

For airplanes which have installed STC ST01697SE and the preventive modification has been installed after 15,000 total flight cycles: Before the accumulation of 25,000 total flight cycles, do all applicable investigative and corrective actions using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(k) Optional Terminating Action

For airplanes that have accumulated 30,000 total flight cycles or fewer, or for airplanes on which STC ST01697SE was installed and that have accumulated 15,000 total flight cycles or fewer: Accomplishment

of the actions in paragraphs (k)(1) through (3) of this AD terminates the repetitive inspections required by paragraph (g) of this AD that are specified in table 1 of paragraph 1.E., Compliance, of Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024, for the modified area only.

(1) Do the preventive modification, including inspections for cracking, specified in Part V of Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024.

(2) If any cracking is found during any inspection required by paragraph (k)(1) or (3) of this AD, before further flight, repair the cracking found using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(3) Do the post-modification repetitive inspections specified in table 1a and table 1b of paragraph 1.E., Compliance, and in accordance with Part VII of the Accomplishment Instructions of Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024, except as required by paragraphs (h)(1) and (2) of this AD. The inspections must be performed and repeated at the applicable times specified in table 1a and table 1b of paragraph 1.E., Compliance, of Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024. For airplanes on which STC ST01697SE has been incorporated, all initial compliance times (thresholds) specified in flight cycles must be reduced to 1/2 and all repeat interval compliance times specified in flight cycles must be reduced to 1/4 of those specified in Boeing Alert Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024.

(l) Installation Limitations of Preventive Modification

As of October 30, 2017 (the effective date of AD 2017-19-26), installation of the preventive modification specified in Boeing Service Bulletin 737-53A1232 is prohibited on the airplanes identified in paragraphs (l)(1) and (2) of this AD.

(1) Airplanes that have accumulated more than 30,000 total flight cycles.

(2) Airplanes which have installed STC ST01697SE and that have accumulated more than 15,000 total flight cycles.

(m) Credit for Previous Actions

(1) This paragraph provides credit for the optional actions in paragraph (k)(1) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737-53A1232, Revision 3, dated July 27, 2015.

(2) This paragraph provides credit for the optional actions in paragraph (k) of this AD, if those actions were performed before October 30, 2017 (the effective date of AD 2017-19-26) using the service information identified in paragraph (m)(2)(i) through (iii) of this AD.

(i) Boeing Special Attention Service Bulletin 737-53A1232, dated April 2, 2007.

(ii) Boeing Special Attention Service Bulletin 737-53A1232, Revision 1, dated May 18, 2012.

(iii) Boeing Special Attention Service Bulletin 737-53A1232, Revision 2, dated July 26, 2013.

(n) 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 (o)(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.

(3) AMOCs approved for AD 2017-19-26 are not approved as AMOCs for the corresponding provisions of this AD.

(o) Related Information

(1) For more information about this AD, contact Luis Cortez-Muniz, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3958; email: luis.a.cortez-muniz@faa.gov.

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (p)(3) of this AD.

(p) 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 Service Bulletin 737-53A1232, Revision 4, dated May 22, 2024.

(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 October 3, 2025.

Peter A. White,

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

[FR Doc. 2025-20061 Filed 11-17-25; 8:45 am]

BILLING CODE 4910-13-P

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

[Docket No. FAA-2025-3987; Project Identifier AD-2025-00017-R]

RIN 2120-AA64

Airworthiness Directives; MD Helicopters, LLC Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2024-23-06, which applies to certain MD Helicopters, LLC (MDHI) Model 369, 369A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, 369HS, 500N, and 600N helicopters. AD 2024-23-06 requires repetitively inspecting the torque tube assembly and roller bearings, and depending on the results, replacing parts or accomplishing additional inspections. Since the FAA issued AD 2024-23-06, it has been determined that additional torque tube assemblies are affected by this unsafe condition. This proposed AD would continue to require the actions of AD 2024-23-06 and would expand 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. 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-2025-3987; 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.

FOR FURTHER INFORMATION CONTACT:

Eduardo Orozco-Duran, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: (562) 627-5264; email: eduardo.orozco-duran@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-2025-3987; Project Identifier AD-2025-00017-R” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may revise 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 Eduardo Orozco-Duran, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood,

CA 90712. 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 FAA issued AD 2024–23–06, Amendment 39–22885 (89 FR 91248, November 19, 2024) (AD 2024–23–06), for MDHI Model 369, 369A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, 369HS, 500N, and 600N helicopters with a pilot interconnecting cyclic torque tube (torque tube) part number 369H7133–7 installed. AD 2024–23–06 was prompted by a report of a seized and damaged roller bearing assembly in the torque tube assembly of an MDHI Model MD369E helicopter. This damage did not allow the torque tube to rotate as designed, which initiated a crack and resulted in an emergency landing. The seized roller bearings were due to rust compounded with dried grease residue and an aggressive chemical environment. Because the seized roller bearings did not allow the torque tube to rotate freely, additional torsional stresses occurred on the torque tube, which caused a crack to initiate and

eventually propagate until the part failed and longitudinal control was lost. Since certain MDHI Model 369, 369A, 369D, 369F, 369FF, 369H, 369HE, 369HM, 369HS, 500N, and 600N helicopters have the same torque tube assembly installed, they are also affected by this unsafe condition. AD 2024–23–06 requires repetitive visual inspections of the torque tube for corrosion and cracks, repetitive visual inspections of the roller bearings for corrosion and degradation, a repetitive freedom-of-movement inspection of the torque tube assembly for binding or ratcheting, and corrective or additional action as necessary. The FAA issued AD 2024–23–06 to prevent failure of the torque tube assembly which, if not addressed, could result in reduced controllability and subsequent loss of control of the helicopter.

Actions Since AD 2024–23–06 Was Issued

Since AD 2024–23–06 was issued, the FAA received a report that additional torque tube assemblies are affected by this unsafe condition and should be included in the AD action. Due to this

determination, this proposed AD would expand the applicability to include all MD Helicopters, LLC Model 369, 369A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, 369HS, 500N, and 600N helicopters regardless of the torque tube part number.

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.

Proposed AD Requirements in This NPRM

This proposed AD would retain all requirements of AD 2024–23–06 and expand the applicability by removing the specific part number requirement.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 353 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visual inspection of torque tube and roller bearings.	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$30,005
Inspection of torque tube for freedom-of-movement.	0.75 work-hours × \$85 per hour = \$64	0	64	22,592

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 helicopters that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of torque tube	6 work-hours × 85 per hour = \$510	\$4,773	\$5,283
Visual inspection of roller bearings	0.25 work-hour × \$85 per hour = \$21	0	21
Replacement of roller bearing	6 work-hours × 85 per hour = \$510	210	720

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 that the 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 2024–23–06, Amendment 39–22885 (89 FR 91248, November 19, 2024); and
- b. Adding the following new airworthiness directive:

MD Helicopters, LLC: Docket No. FAA–2025–3987; Project Identifier AD–2025–00017–R.

(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 2024–23–06, Amendment 39–22885 (89 FR 91248, November 19, 2024) (AD 2024–23–06).

(c) Applicability

This AD applies to MD Helicopters, LLC Model 369, 369A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, 369HS, 500N, and 600N helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6700, Rotorcraft Flight Control.

(e) Unsafe Condition

This AD was prompted by a report of a seized and damaged roller bearing in the

torque tube assembly. The FAA is issuing this AD to prevent failure of the torque tube assembly. The unsafe condition, if not addressed, could result in reduced controllability and subsequent loss of control of the helicopter.

(f) Compliance

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

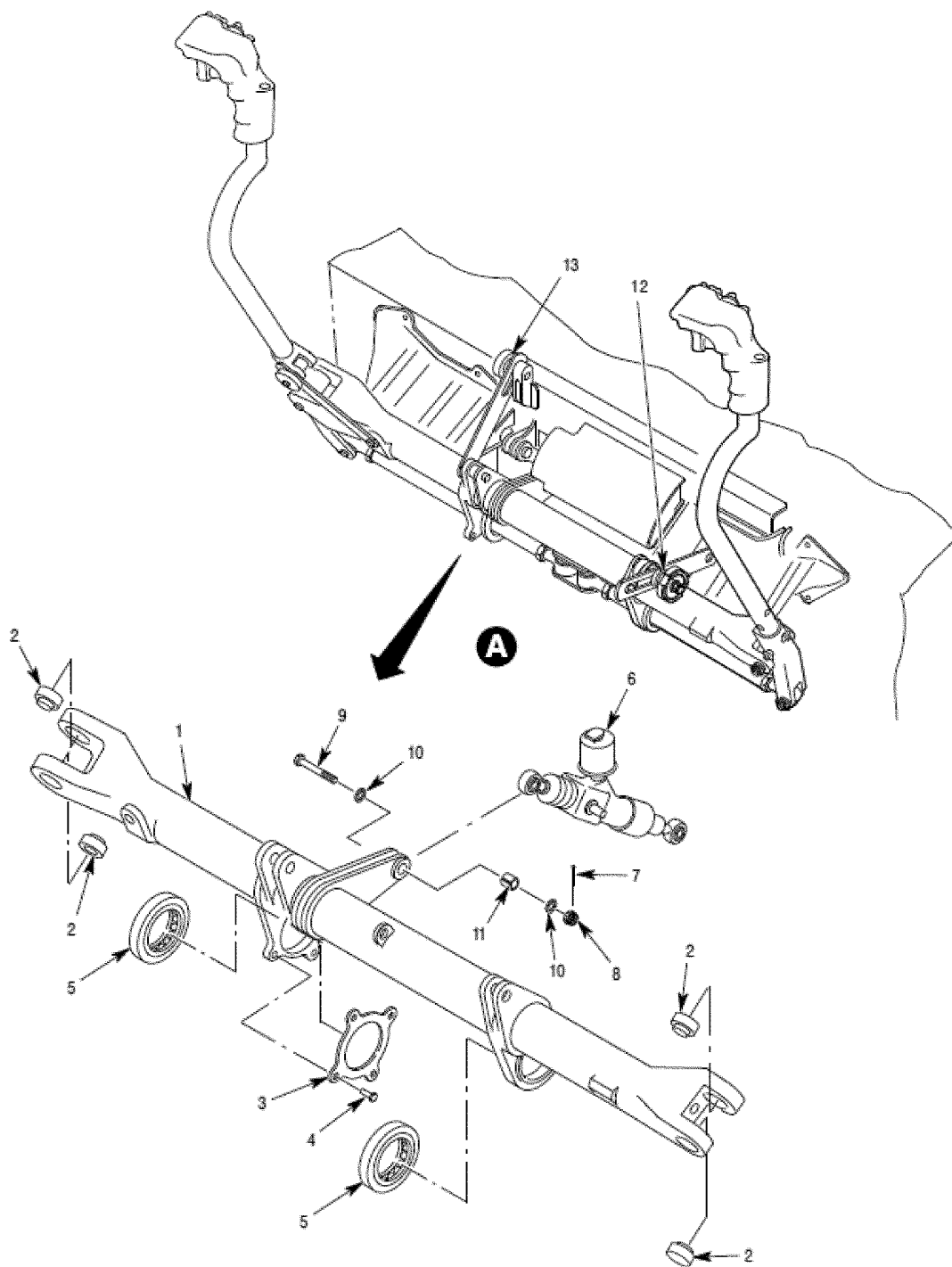
(g) Required Actions

(1) Within 100 hours time-in-service (TIS) or within 12 months after the effective date of this AD, whichever occurs first, and thereafter at intervals not to exceed 100 hours TIS, accomplish the actions required by paragraphs (g)(1)(i) and (ii) of this AD.

(i) Using a flashlight and mirror, visually inspect the torque tube for corrosion and cracks. If there is any corrosion or a crack, before further flight, remove the torque tube from service and install an airworthy torque tube.

(ii) Visually inspect each roller bearing (number 5) as depicted in Figure 1 to paragraph (g)(1) of this AD for corrosion and degradation. If a roller bearing has any corrosion or degradation, before further flight, remove the roller bearing from service and install an airworthy roller bearing.

BILLING CODE 4910–13–P

Figure 1 to Paragraph (g)(1) –Torque Tube Assembly**BILLING CODE 4910-13-C**

(2) Before the helicopter accumulates 3,000 total hours TIS or within 100 hours TIS after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 100 hours TIS, perform a freedom-of-movement inspection on the torque tube assembly by accomplishing the actions required by paragraphs (g)(2)(i) through (v) of this AD.

(i) Disconnect the one-way lock (number 6) of the torque tube by removing the cotter pin (number 7), nut (number 8), bolt (number 9), washers (number 10), and slotted bushing (number 11) from the torque tube assembly as depicted in Figure 1 to paragraph (g)(1) of this AD.

(ii) Loosen the longitudinal cyclic friction knob (number 12 or 13) of the torque tube

assembly as depicted in Figure 1 to paragraph (g)(1) of this AD.

(iii) While moving the cyclic control forward and aft to allow the torque tube assembly to rotate through its full range of motion, inspect the torque tube assembly for binding and ratcheting.

(A) If there is any binding or ratcheting as a result of the action required by paragraph (g)(2)(iii) of this AD, before further flight,

inspect each roller bearing (number 5) as depicted in Figure 1 to paragraph (g)(1) of this AD for damage. For the purposes of this inspection, damage may be indicated by corrosion, lack of lubrication (dry exterior surface), or material degradation.

(B) If any roller bearing (number 5) as depicted in Figure 1 to paragraph (g)(1) of this AD has any damage, before further flight, remove the roller bearing from service and install an airworthy roller bearing.

(iv) If there is not any binding or ratcheting as a result of the action required by paragraph (g)(2)(iii) of this AD or after accomplishing the action required by paragraph (g)(2)(iii)(B) of this AD, as applicable, tighten the cyclic friction knob (number 12 or 13) as depicted in Figure 1 to paragraph (g)(1) of this AD.

(v) Connect the one-way lock (number 6) as depicted in Figure 1 to paragraph (g)(1) of this AD by accomplishing the actions required by paragraphs (g)(2)(v)(A) and (B).

(A) Install the slotted bushing (number 11), washers (number 10), bolt (number 9), nut (number 8), and new (zero total hours TIS) cotter pin (number 7) as depicted in Figure 1 to paragraph (g)(1) of this AD.

(B) Ensure the edge of the slotted bushing (number 11) protrudes 0.010 to 0.080 inch (0.25 to 2.03 mm) above the surface of the cyclic torque tube after the nut is tightened.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, West Certification 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 West Certification Branch, send it to the attention of the person identified in paragraph (i) of this AD and email to: AMOC@faa.gov.

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

(i) Additional Information

For more information about this AD, contact Eduardo Orozco-Duran, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: (562) 627-5264; email: eduardo.orozco-duran@faa.gov.

(j) Material Incorporated by Reference

None.

Issued on October 22, 2025.

Christopher R. Parker,

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

[FR Doc. 2025-20093 Filed 11-17-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-2555; Project Identifier AD-2025-00433-E]

RIN 2120-AA64

Airworthiness Directives; International Aero Engines AG Engines

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 International Aero Engines AG (IAE AG) Model V2522-A5, V2524-A5, V2525-D5, V2527-A5, V2527E-A5, V2527M-A5, V2528-D5, V2530-A5, V2531-E5, and V2533-A5 engines. This proposed AD was prompted by a manufacturer investigation that revealed that certain 3rd stage HPC rotor blades were susceptible to shroud wear and blade failure. This proposed AD would require replacement of affected 3rd stage HPC rotor blades with parts eligible for installation. 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-2025-2555; 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.

FOR FURTHER INFORMATION CONTACT:

Carol Nguyen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238-7655; email: carol.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-2025-2555; Project Identifier AD-2025-00433-E” 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 revise 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 Carol Nguyen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. 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 FAA received multiple reports of failed 3rd stage HPC rotor blades that resulted in engine fires, unplanned engine removals, aborted takeoffs, and in-flight shutdowns (IFSD). A manufacturer investigation revealed that 3rd stage HPC rotor blade part numbers (P/Ns) 6A8353 or 6A8688, installed on IAE AG Model V2522-A5, V2524-A5,

V2525–D5, V2527–A5, V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, V2531–E5, and V2533–A5 engines were susceptible to shroud wear and blade fractures. As a result, the manufacturer has developed an improved coating process that increases the durability of the shroud coating, mitigating wear and reducing the risk of blade fractures. This condition, if not addressed, could result in engine fire, reduced control of the airplane, and engine IFSD.

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.

Proposed AD Requirements in This NPRM

This proposed AD would require a full set replacement of affected 3rd stage

HPC rotor blades with parts eligible for installation.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,496 engines installed on aircraft 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 full set of 3rd stage HPC rotor blades with re-worked blades.	1 work-hours × \$85 per hour = \$85 ...	\$30,000	\$30,085	\$45,007,160

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:

International Aero Engines AG: Docket No. FAA–2025–2555; Project Identifier AD–2025–00433–E.

(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 International Aero Engines AG (IAE AG) Model V2522–A5, V2524–A5, V2525–D5, V2527–A5, V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, V2531–E5, and V2533–A5 engines with a 3rd stage high-pressure compressor (HPC) rotor blade having part numbers (P/N) 6A8353 or P/N 6A8688 installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by multiple reports of failed 3rd stage HPC rotor blades that resulted in engine fires, unplanned engine removals, aborted takeoffs, and in-flight shutdowns (IFSD). The FAA is issuing this AD to prevent failure of the 3rd stage HPC rotor blades. The unsafe condition, if not addressed, could result in engine fire, reduced control of the airplane, and engine IFSD.

(f) Compliance

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

(g) Required Actions

At the next 3rd stage HPC rotor blade exposure after the effective date of this AD, replace the full set of 3rd stage HPC rotor blades with parts eligible for installation.

(h) Definitions

- (1) For the purpose of this AD, a “part eligible for installation” is:
 - (i) A 3rd stage HPC rotor blade having P/N 6C8368, 6C8403, or later approved P/N; or
 - (ii) A 3rd stage HPC rotor blade modified to P/N 6A8353–001 or P/N 6A8688–001.
- (2) For the purpose of this AD, a “3rd stage HPC rotor blade exposure” is when any 3rd stage HPC rotor blade is removed from the HPC stage 3 to 8 drum.

(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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of the AIR–520 Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: AMOC@faa.gov.

(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.

(j) Additional Information

For more information about this AD, contact Carol Nguyen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238-7655; email: carol.nguyen@faa.gov.

(k) Material Incorporated by Reference

None.

Issued on September 19, 2025.

Lona C. Saccomando,

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

[FR Doc. 2025-20088 Filed 11-17-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-3436; Project Identifier MCAI-2024-00314-R]

RIN 2120-AA64

Airworthiness Directives; Bell Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bell Textron Canada Limited (Bell) Model 407 helicopters. This proposed AD was prompted by a report of a fractured pilot cyclic stick tube and subsequent findings of other pilot cyclic stick tubes with fatigue cracking. This proposed AD would require repetitively inspecting the pilot cyclic stick tube assembly for a crack and, depending on the results, repairing or replacing the pilot cyclic stick tube assembly. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by January 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-2025-3436; 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 Transport Canada material identified in this proposed AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, Canada; phone: (888) 663-3639; email: tc.airworthinessdirectives-consignesdenavigabilite.TC@tc.gc.ca; website: tc.canada.ca/en/aviation. You may find the Transport Canada material on the Transport Canada website at tc.canada.ca/en/aviation.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

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-2025-3436; Project Identifier MCAI-2024-00314-R” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](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 Alexis Whitaker, 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

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF-2024-18, dated May 29, 2024 (Transport Canada AD CF-2024-18) (also referred to as the MCAI), to correct an unsafe condition on Bell Model 407 helicopters, serial numbers 53000 through 53900, 53911 through 53999, 54000 through 54166, 54300 through 54800, 54805 through 54999, 56300 through 56305, and 56311 through 56315, installed with a pilot cyclic stick tube assembly part number (P/N) 206-001-342-101 or 206-001-342-101FM. The MCAI states that Bell received a report that a pilot cyclic stick tube assembly having P/N 206-001-342-101 fractured at the lower end of the tube near the upper slotted area where it is held in place in the pivot assembly. Examination of the fractured pilot cyclic stick tube and subsequent findings of other cracked pilot cyclic stick tubes revealed fatigue cracking. Further investigation identified the root cause of the pilot cyclic stick tube cracking as the application of excessive force to the cyclic stick during the freedom of movement of the controls and cyclic centering light operation check as part of the interior and prestart check, which resulted in elevated stress at the slotted area and was aggravated by the high stress concentration design feature of the upper slotted area.

This condition, if not detected and corrected, could lead to an in-flight

failure of the pilot cyclic stick tube and consequent loss of control of the helicopter.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-3436.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF-2024-18, which specifies procedures for revising the applicable Bell 407 rotorcraft flight manual (RFM) Normal Procedures section to limit the allowable freedom of movement during interior and prestart checks for certain serial-numbered helicopters (Group 1 helicopters). Transport Canada AD CF-2024-18 also specifies procedures for inspecting the pilot cyclic stick tube assembly for cracks and replacing or repairing and reidentifying any cracked pilot cyclic stick tube assembly for certain serial-numbered helicopters (Group 2 helicopters). If, as a result of an inspection, a pilot cyclic stick tube assembly is repaired rather than replaced, Transport Canada AD CF-2024-18 further specifies procedures for repetitive inspections of the repaired pilot cyclic stick tube assembly and replacement within 24 months after the 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 (CAA) of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. 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.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate Transport Canada AD CF-2024-18 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF-2024-18 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material referenced in Transport Canada AD CF-2024-18 for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-3436 after the FAA final rule is published.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in Transport Canada AD CF-2024-18, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD. See "Differences Between this Proposed AD and the MCAI" for a discussion of the general differences included in this proposed AD.

Differences Between This Proposed AD and the MCAI

The MCAI only applies to helicopter serial numbers 53000 through 53900,

53911 through 53999, 54000 through 54166, 54300 through 54800, 54805 through 54999, 56300 through 56305, and 56311 through 56315, whereas this proposed AD would apply to all serial numbered Model 407 helicopters with cyclic stick tube assembly part number (P/N) 206-001-342-101 or P/N 206-001-342-101FM installed.

The MCAI specifies procedures for revising the applicable Bell 407 RFM Normal Procedures section for certain serial-numbered helicopters to limit the allowable freedom of movement during interior and prestart checks, whereas this proposed AD does not because the full sweep for freedom of movement is necessary to clear icing and detect any jamming or binding during the pre-start check.

This proposed AD would also add a repetitive inspection for pilot cyclic stick tube assemblies that have accumulated 3,600 or more hours time-in-service, at intervals not to exceed every 300 hours time-in-service or 6 months, whichever occurs first. This is from a determination that a pilot cyclic control stick could experience high loading during hydraulic-off training and other emergency procedure situations. This inspection is not part of the MCAI.

Interim Action

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

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 944 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect pilot cyclic stick tube assembly	Up to 4 work-hours × \$85 per hour = \$340	\$0	\$340	Up to \$320,960.

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

of the proposed inspection. The agency has no way of determining the number

of helicopters that might need these repairs:

ON-CONDITION COSTS

Action	Labor Cost	Parts Cost	Cost per product
Repair pilot cyclic stick tube assembly	6 work-hours × \$85 per hour = \$510	\$0	\$510
Repetitively inspect pilot cyclic stick tube assembly	2 work-hours (per inspection) × \$85 per hour = \$170	0	170
Replace pilot cyclic stick tube assembly	2 work-hours × \$85 per hour = \$170	1,544	1,714

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:

Bell Textron Canada Limited: Docket No. FAA–2025–3436; Project Identifier MCAI–2024–00314–R.

(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 Bell Textron Canada Limited Model 407 helicopters, certificated in any category, with a pilot cyclic stick tube assembly part number (P/N) 206–001–342–101 or P/N 206–001–342–101FM installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 6710, Main Rotor Control.

(e) Unsafe Condition

This AD was prompted by a report of a fractured pilot cyclic stick tube and subsequent findings of other pilot cyclic stick tubes with fatigue cracking. The FAA is issuing this AD to detect and correct a crack in the pilot cyclic stick tube which, if not addressed, could lead to an in-flight failure of the pilot cyclic stick tube and consequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) 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, Transport Canada AD CF–2024–18, dated May 29, 2024 (Transport Canada AD CF–2024–18).

(2) For a pilot cyclic stick tube assembly that has accumulated 3,600 or more hours time-in-service if, after complying with paragraph (g)(1) no cracks are identified, thereafter, at intervals not to exceed 300 hours time-in-service or 6 months, whichever occurs first, perform a detailed inspection of the pilot cyclic stick tube assembly in accordance with Part II paragraph A. of Transport Canada AD CF–2024–18.

(h) Exceptions to Transport Canada AD CF–2024–18

(1) Where Transport Canada AD CF–2024–18 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2024–18 requires compliance in terms of air time, this AD requires using hours time-in-service.

(3) This AD does not adopt Part I, Rotorcraft Flight Manual (RFM) Revision—Applicable to Group 1 Helicopters, of Transport Canada AD CF–2024–18.

(4) Where Transport Canada AD CF–2024–18 states "Part II—Inspection and Replacement or Repair of Cyclic Stick Tube

Assembly—Applicable to Group 2 Helicopters", this AD requires replacing that text with "Part II—Inspection and Replacement or Repair of Cyclic Stick Tube Assembly—All Helicopters."

(i) No Reporting Requirement

Although the material referenced in Transport Canada AD CF–2024–18 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact Alexis Whitaker, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7309; email: alexis.j.whitaker@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 the AD specifies otherwise.

(i) Transport Canada AD CF–2024–18, dated May 29, 2024.

(ii) [Reserved]

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

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

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

Issued on October 17, 2025.

Christopher R. Parker,

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

[FR Doc. 2025–20090 Filed 11–17–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–3991; Project Identifier MCAI–2025–00365–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Helicopters (Airbus) Model EC 130 T2 helicopters. This proposed AD was prompted by the determination that helicopter operators received main rotor blades (MRB) that are not certified to be installed on their helicopters and thus, without instructions for continued airworthiness, cannot be properly maintained. This proposed AD would require replacing the affected parts with serviceable parts and would prohibit installing the affected MRBs on Airbus Model EC 130 T2 helicopters. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by January 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–2025–3991; 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) AD material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADs@easa.europa.eu; website: easa.europa.eu. You may find the EASA material on the EASA website at ad.easa.europa.eu.

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

FOR FURTHER INFORMATION CONTACT:

Shailesh Malla, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5584; email: shailesh.malla@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–2025–3991; Project Identifier MCAI–2025–00365–R” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](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 Shailesh Malla, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0062, dated March 20, 2025 (EASA AD 2025–0062) (also referred to as the MCAI), to correct an unsafe condition on Airbus Model EC 130 T2 helicopters, all serial numbers, that were delivered before September 23, 2024 [date of EASA Form 52 or equivalent statement of conformity]. The MCAI states that part number (P/N) 355A11003002 [manufacturer reference 355A11–0030–02] MRBs were delivered to EC 130 T2 helicopter operators; these affected MRBs are not certified for installation on EC 130 T2 helicopters. Furthermore, a comprehensive set of instructions for continued airworthiness is not available and remains unavailable at the time this proposed AD is published. It is uncertain whether they will be available at the time our final rule is published, thus these MRBs cannot be maintained properly. The FAA is proposing this AD to prevent MRB failure due to not maintaining uncertified MRBs. This condition, if not addressed, could result in loss of control of the helicopter.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–3991.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0062, which specifies procedures for replacing the affected MRBs with serviceable MRBs P/N 355A11003004 [manufacturer reference 355A11–0030–04]. EASA AD 2025–0062 also prohibits the installation of the affected MRB on a helicopter.

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

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 on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the MCAI, described previously as incorporated by reference, 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 2025–0062 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0062 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 2025–0062 does not mean

that operators need to 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 2025–0062. Material required by EASA AD 2025–0062 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–3991 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 111 helicopters of U.S. registry. The FAA estimates the following costs to comply with this proposed AD. The FAA has no data to determine the number of helicopters that might need to replace the MRB.

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace MRB (up to three per helicopter).	1 work-hour × \$85 per hour = \$85	\$106,496 (per MRB)	\$106,581	\$11,830,491

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency’s authority. The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

responsibilities among the various levels of government. For the reasons discussed above, I certify this proposed regulation: (1) Is not a “significant regulatory action” under Executive Order 12866, (2) Would not affect intrastate aviation in Alaska, and (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:
Authority: 49 U.S.C. 106(g), 40113, 44701.
- § 39.13 [Amended]
- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Airbus Helicopters: Docket No. FAA–2025–3991; Project Identifier MCAI–2025–00365–R.

(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 Helicopters Model EC 130 T2 helicopters, certificated in any category, that were delivered before September 23, 2024.

(d) Subject

Joint Aircraft System Component (JASC) Code 6210, Main rotor blades.

(e) Unsafe Condition

This AD was prompted by the determination that helicopter operators received main rotor blades (MRB) that are not certified to be installed on their helicopters and thus, without instructions for continued airworthiness, cannot be properly maintained. The FAA is issuing this AD to prevent MRB failure due to not maintaining uncertified MRBs, which, if not addressed, could result in loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0062, dated March 20, 2025 (EASA AD 2025–0062).

(h) Exceptions to EASA AD 2025–0062

(1) Where EASA AD 2025–0062 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2025–0062 refers to its effective date, this AD requires using the effective date of this AD.

(3) This AD does not adopt the “Remarks” section of EASA AD 2025–0062.

(i) 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 (j) of this AD and email to: AMOC@faa.gov.

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

(j) Additional Information

For more information about this AD, contact Shailesh Malla, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5584; email: shailesh.malla@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0062, dated March 20, 2025.

(ii) [Reserved].

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

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

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

Issued on October 28, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–20092 Filed 11–17–25; 8:45 am]

BILLING CODE 4910–13–P

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

[Docket No. FAA–2025–3993; Project Identifier MCAI–2025–00630–A]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. 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 Embraer S.A. (Embraer) Model EMB–505 airplanes. This proposed AD was prompted by the possibility that some airplanes may have invalid horizontal stabilizer (HS) backlash test results due to the use of incorrect procedures. This proposed AD would require inspecting the airplane’s left-hand (LH) and right-hand (RH) HS backlash and replacement, as applicable, of certain hinge point and pitch trim actuator attachment parts and the pitch trim actuator. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by January 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–2025–3993; 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 Agência Nacional de Aviação Civil (ANAC) material identified in this proposed AD, contact ANAC, Continuing Airworthiness Technical Branch (GTAC), Rua Doutor Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; phone: 55 (12) 3203–6600; email: pac@anac.gov.br; website: anac.gov.br/en/. You may find this material on the ANAC website at sistemas.anac.gov.br/certificacao/DA/DAE.asp.

- 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.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (816) 329–4165; email: jim.rutherford@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 **ADDRESSES**. Include “Docket No. FAA–2025–3993; Project Identifier MCAI–2025–00630–A” 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 Jim Rutherford, 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

ANAC, which is the aviation authority for Brazil, has issued ANAC AD 2025–04–01, dated April 15, 2025 (ANAC AD 2025–04–01) (also referred to as the MCAI), to correct an unsafe condition on certain serial-numbered Embraer Model EMB–505 airplanes. The MCAI states that there is a possibility of some airplanes having invalid HS backlash test results due to the use of incorrect test procedures. The excessive backlash may result in an aeroelastic phenomenon exposing the surrounding structure and systems to unacceptable vibration levels and reduced controllability of the airplane. To address this unsafe condition, the MCAI specifies inspecting the airplane LH and RH HS backlash and replacing, as applicable, the LH and RH hinge point attachment parts, the LH or RH pitch trim actuator rod-end attachment parts, and the pitch trim actuator.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–3993.

Material Incorporated by Reference Under 1 CFR part 51

The FAA reviewed ANAC AD 2025–04–01, which specifies procedures for inspecting the LH and RH HS backlash for correct values, and replacing, as applicable, the LH and RH hinge point attachment parts, the LH or RH pitch trim actuator rod-end attachment parts, and the pitch trim actuator.

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 on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in ANAC AD 2025–04–01 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD. See “Differences Between this Proposed AD and the MCAI” for a general discussion of these differences.

Differences Between This Proposed AD and the MCAI

The material specified in ANAC AD 2025–04–01 allows the use of alternative or similar parts in place of the ones specified in the kits, provided these alternative or similar parts are approved by Embraer, but this proposed AD would require approval from either the Manager, International Validation Branch, FAA; ANAC; or ANAC’s authorized Designee. If approved by the ANAC Designee, the approval must include the Designee’s authorized signature.

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 ANAC AD 2025–04–01 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with ANAC AD 2025–04–01 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed. Material required by ANAC AD 2025–04–01 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–3993 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 50 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
Inspect HS backlash	16 work-hours × \$85 per hour = \$1,360	\$0	\$1,360	\$68,000

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

of the proposed inspection. The agency has no way of determining the number

of airplanes that might need these actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace horizontal to vertical stabilizers LH hinge point attachment parts.	17 work-hours × \$85 per hour = \$1,445	\$300	\$1,745

ON-CONDITION COSTS—Continued

Action	Labor cost	Parts cost	Cost per product
Replace horizontal to vertical stabilizers RH hinge point attachment parts.	17 work-hours × 85 per hour = 1,445	350	1,795
Replace RH pitch trim actuator rod-end attachment parts	16 work-hours × 85 per hour = 1,360	400	1,760
Replace LH pitch trim actuator rod-end attachment parts	16 work-hours × 85 per hour = 1,360	400	1,760
Replace pitch trim actuator	18 work-hours × 85 per hour = 1,530	5,000	6,530

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

Embraer S.A.: Docket No. FAA–2025–3993; Project Identifier MCAI–2025–00630–A.

(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 Embraer S.A. Model EMB–505 airplanes, as identified in Agência Nacional de Aviação Civil (ANAC) AD 2025–04–01, effective April 15, 2025 (ANAC AD 2025–04–01), certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2700, Flight Control System.

(e) Unsafe Condition

This AD was prompted by the discovery that some airplanes may have invalid horizontal stabilizer (HS) backlash test results due to incorrect procedures being performed. The FAA is issuing this AD to address the unsafe condition. The unsafe condition, if not addressed, could result in unacceptable vibration levels and reduced controllability of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, ANAC AD 2025–04–01.

(h) Exceptions to ANAC AD 2025–04–01

(1) Where ANAC AD 2025–04–01 refers to its effective date, this AD requires using the effective date of this AD for both Group 1 and Group 2 airplanes.

(2) Where the material specified in ANAC AD 2025–04–01 allows the use of alternative or similar parts in place of the ones specified in the kits, provided these alternative or similar parts are approved by Embraer, this AD requires approval from either the Manager, International Validation Branch, FAA; ANAC; or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

(3) Where ANAC AD 2025–04–01 refers to removal and replacement of attachment parts and pitch trim actuators in paragraphs (b)(1), (c)(1), (d)(1), (d)(2), (e)(1), (e)(2), and (f)(1), this AD specifies accomplishing the removal and replacement in these paragraphs in accordance with the appropriate procedures contained in the material referenced in ANAC AD 2025–04–01.

(4) Where the material referenced in ANAC AD 2025–04–01 specifies discarding parts, this AD requires removing those parts from service.

(5) This AD does not adopt paragraph (h) of ANAC AD 2025–04–01.

(i) No Reporting Requirement

Although the material referenced in ANAC AD 2025–04–01 specifies to submit information to the manufacturer, this AD does not require that action.

(j) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Embraer Service Bulletin No. 505–27–0034, dated September 19, 2024, or Embraer Service Bulletin No. 505–27–0034, Revision 01, dated October 04, 2024.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as

appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l) of this AD and email to: AMOC@faa.gov.

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

(l) Additional Information

For more information about this AD, contact Jim Rutherford, Aviation Safety Engineer, FAA; phone: (816) 329-4165; email: IVB.COS@faa.gov.

(m) Material Incorporated by Reference

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

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

(i) Agência Nacional de Aviação Civil AD 2025-04-01, effective April 15, 2025.

(ii) [Reserved]

(3) For Embraer S.A. material identified in this AD, contact Embraer S.A., Technical Publications Avenida Brigadeiro Faria Lima, 2170, São Jose dos Campos—SP, Brazil; phone: +551239275852; email: distrib@embraer.com.br; website: <https://www.flyembraer.com/irj/portal>.

(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 October 24, 2025.

Steven W. Thompson,

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

[FR Doc. 2025-20087 Filed 11-17-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-3990; Project Identifier MCAI-2025-00097-A]

RIN 2120-AA64

Airworthiness Directives; LAVIA ARGENTINA S.A. 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

LAVIA ARGENTINA S.A. (LAVIASA) Model PA-25, PA-25-235, and PA-25-260 airplanes. This proposed AD was prompted by reports of corrosion in the front and rear wing spars and cracks in the front wing spar. This proposed AD would require inspecting the front and rear wing spars for corrosion and crack(s); inspecting the upper/lower spar flange of the front wing spar for any crack(s); repairing or replacing front and rear wing spars if crack(s) or corrosion are found, as applicable. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by January 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-2025-3990; 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 LAVIASA aviación material identified in this proposed AD, contact LAVIA ARGENTINA S.A., Parque Industrial Mendoza, Eje Norte, manzana 13 lote 3, Las Heras, Mondoza, Argentina; phone: +54 9 2614 67-7682; email: administracion@laviaargentina.com; website: laviaargentina.com.

- 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.

FOR FURTHER INFORMATION CONTACT:

Aaron Nguyen, Aviation Safety Engineer, FAA, [1600 Stewart Avenue, Suite 410, Westbury, NY 11590]; phone: (281) 799-3453; 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 **ADDRESSES**. Include “Docket No. FAA-2025-3990; Project Identifier MCAI-2025-00097-A” 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, 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 National Civil Aviation Civil Administration (Argentina), which is the aviation authority for Argentina, has issued Aviación Civil Argentina (ANAC Argentina) AD 2024-05-01, Revision 1, dated December 18, 2024 (ANAC Argentina AD 2024-05-01 R1) (also referred to as the MCAI), to correct an unsafe condition on all LAVIASA Model PA-25, PA-25-235, and PA-25-

260 airplanes. The MCAI states that corrosion was reported in the front and rear wing spars and cracks were found in the front wing spar. In addition, the MCAI states that after the issuance of ANAC Argentina Emergency AD 2023–12–01, dated December 11, 2023, cracks were found in holes that were drilled to fix the leading edges, which could propagate towards the spar web.

The MCAI requires doing repetitive inspections of the front and rear wing spars for corrosion and crack(s) and the front wing spar for alteration(s) (change of leading edge, repairs, non-approved perforations) and crack(s); repairing or replacing front and rear wing spars if crack(s), corrosion, or alteration(s) are found.

The unsafe condition, if not addressed, could result in a wing separating from the fuselage in flight.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–3990.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed LAVIASA aeroindustria Service Bulletin No. 25–57–09, REV 0, dated November 27, 2023. This material specifies procedures for inspecting the lower wing surface for inspection covers and installing

inspection holes and covers as applicable, inspecting the forward and aft wing spars for corrosion and crack(s), and ensuring the drain holes are in the correct position and free from any obstruction(s).

The FAA also reviewed LAVIASA aviacion Service Bulletin No. 25–57–11, Rev 00, dated August 23, 2024. This material specifies procedures for installing rectangular inspection doors near the forward wing spar, verifying the location of the screws on the upper and lower T flanges, inspecting to determine if there are more than four holes between ribs on the leading edge tabs, inspecting for crack(s) near the bore holes, doing a borescope inspection of inside surface of the T-flange for crack(s) and if any crack(s) are found uncovering the complete wing and doing a detailed inspection of the wing spar.

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 on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions in the material already described above, except as discussed under “Differences Between this Proposed AD and the Service Bulletins.”

Differences Between This Proposed AD and the Service Bulletins

Where the service bulletins specify that airplanes will be grounded if any crack(s) are found, this proposed AD would require repair before further flight using instructions obtained from the FAA.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 467 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
Inspect wing spars for crack(s)	16 work-hours × \$85 per hour = \$1,360, per inspection.	\$0	\$1,360, per inspection	\$635,120, per inspection.
Inspect wing spars for corrosion.	8 work-hours × \$85 per hour = \$680, per inspection.	0	\$680, per inspection ...	\$317,560, per inspection.

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

results of the proposed inspections. The agency has no way of determining the

number of airplanes that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace front wing spar	40 work-hours × \$85 per hour = \$3,400	\$15,000	\$18,400
Replace rear wing spar	40 work-hours × \$85 per hour = \$3,400	11,000	14,400

The repair of any front or rear wing spar that may be required as a result of any proposed inspection could vary significantly from airplane to airplane. The FAA has no data to determine the costs to accomplish the repair or the number of airplanes that may require the repair.

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:

Lavia Argentina S.A.: Docket No. FAA–2025–3990; Project Identifier MCAI–2025–00097–A.

(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 LAVIA ARGENTINA S.A. (LAVIASA) Model PA–25, PA–25–235, and PA–25–260 airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 5711, WING SPAR.

(e) Unsafe Condition

This AD was prompted by reports of corrosion in the front and rear wing spars and cracks in the front wing spar. The FAA is issuing this AD to address corrosion and crack(s) in the front and rear wing spars, and crack(s) in the front wing spar upper/lower spar flange. The unsafe condition, if not addressed, could result in a wing separating from the fuselage in flight.

(f) Compliance

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

(g) Front and Rear Wing Spar Inspections for Corrosion and Crack(s)

(1) At whichever of the compliance times in paragraphs (g)(1)(i) through (iii) of this AD that applies and thereafter at intervals not to exceed 100 hours time-in-service (TIS) or 12 months, whichever occurs first, inspect the lower wing surface for inspection covers and install inspection holes and covers as applicable, inspect the front and rear wing spars for corrosion and crack(s), and ensure the drain holes are in the correct position and free from any obstruction(s), in accordance with steps 5.1, 5.2, and 6. of the ACTIONS in LAVIASA aerindustria Service Bulletin No. 25–57–09, REV 0, dated November 27, 2023 (LAVIASA SB 25–57–09, REV 0).

Note 1 to paragraph (g)(1): Paragraph 2–14, Inspection Rings and Drain Grommets, of Chapter 2, Fabric Covering, Section 1, Practices and Precautions, of FAA Advisory Circular 43.13–1B, “Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair,” Change 1, dated September 8, 1998; with Editorial Update dated September 27, 2001, provides guidance regarding installing inspections rings and drain grommets, as related to step 6., Inspection Holes Installation, of the ACTIONS in LAVIASA SB 25–57–09, REV 0.

(i) For airplanes that have not had a wing spar replaced before the effective date of this AD and not had wing spar alterations at any time during the life of the airplane, before exceeding 5 years on the wing spar, before exceeding 500 hours TIS on the wing spar, or within 10 hours TIS after the effective date of this AD, whichever occurs later;

(ii) For airplanes that have had wing spar alterations at any time during the life of the airplane, within 10 hours TIS after the effective date of this AD; or

(iii) For airplanes that have had the wing spar replaced before the effective date of this AD with no alterations, within 500 hours TIS or 5 years from the date a wing spar was replaced, or within 10 hours TIS after the effective date of this AD, whichever occurs later.

(2) If any crack(s) or corrosion is found during any inspection required by paragraph (g)(1) of this AD, before further flight, repair or replace the affected wing spar in accordance with a method approved by the Manager, International Validation Branch, FAA.

(i) If the wing spar is repaired after the effective date of this AD, repeat the inspection requirements of paragraph (g)(1) of this AD at intervals not to exceed 100

hours TIS or 12 months, whichever occurs first.

(ii) If the wing spar is replaced after the effective date of this AD, inspect the wing spar as required in paragraph (g)(1) of this AD before exceeding 5 years on the wing spar or 500 hours TIS after replacement, whichever occurs first, and thereafter at intervals not to exceed 100 hours TIS or 12 months, whichever occurs first. Repeat the inspection requirements of paragraph (g)(1) of this AD at the applicable time in paragraphs (g)(2)(ii)(A) or (B) of this AD when the airplane is returned to an airworthy condition.

(A) For airplanes that have not had a wing spar replaced before the effective date of this AD and that have not had wing alterations at any time during the life of the airplane, before exceeding 5 years on the wing spar, before exceeding 500 hours TIS on the wing spar, or within 10 hours TIS after the effective date of this AD, whichever occurs later; or

(B) For airplanes that have not had a wing spar replaced before the effective date of this AD and have had wing alterations at any time during the life of the airplane, within 10 hours TIS after the effective date of this AD.

(3) Regardless of whether a crack(s) or corrosion is found during any inspection required by paragraph (g)(1) of this AD that show evidence of overlapping, enlarged holes, or more than four holes found and at least two of them are less than one inch away from each other, perform the wing spar inspection in paragraph (h) or (i) of this AD, as applicable.

(h) Front Wing Spar Upper/Lower Spar Flange Inspection for Crack(s)

(1) At whichever of the compliance times in paragraphs (h)(1)(i) and (ii) of this AD is applicable, inspect the upper/lower spar flange of the front wing spar for any crack(s), evidence of overlapping, enlarged holes, or more than four holes found and at least two of them are less than one inch away from each other, paying particular attention to the leading-edge fitting area, in accordance with steps 1 through 11 of the ACTIONS in LAVIASA aviacion Service Bulletin No. 25–57–11, Rev 00, dated August 23, 2024 (LAVIASA SB 25–57–11, Rev 00).

(i) For airplanes with more than 5 years total time on the front wing spar but less than 40 years total time on the front wing spar, before exceeding 5 years total time on the front wing spar, within 100 hours TIS after the effective date of this AD, or within 12 months after the effective date of this AD, whichever occurs latest; or

(ii) For airplanes with 40 years or more total time on the front wing spar, within 50 hours TIS after the effective date of this AD.

(2) If no crack(s) is found during any inspection required by paragraph (h)(1) of this AD, perform an eddy current inspection of the upper/lower spar flange of the front wing spar for any crack(s) at the applicable times specified in paragraph (h)(2)(i) or (ii) of this AD.

Note 2 to paragraph (h)(2): The eddy current inspection may be done using the instructions in Appendix 1 of Aviación Civil Argentina AD 2024–05–01, Revision 1, dated

December 18, 2024 (ANAC Argentina AD 2024–05–01 R1).

(i) For airplanes with more than 5 years total time on the front wing spar but less than 40 years total time on the front wing spar, before further flight; or

(ii) For airplanes with 40 years or more total time on the front wing spar, before further flight and thereafter at intervals not to exceed 100 hours TIS or 12 months, whichever occurs later.

(3) If a wing spar has alterations without discrepancies stated in LAVIASA aviacion SB 25–57–11, Rev 00, during any inspection required by paragraph (h)(1) of this AD, as applicable, perform an eddy current inspection of the upper/lower spar flange of the front wing spar for any crack(s) at the applicable times specified in paragraph (h)(3)(i) or (ii) of this AD.

(i) For airplanes with more than 5 years total time on the front wing spar but less than 40 years total time on the front wing spar, before further flight and thereafter at intervals not to exceed 50 hours TIS except the wing spar must be replaced as specified in paragraph (h)(5) of this AD; or

(ii) For airplanes with 40 years or more total time on the front wing spar, before further flight and thereafter at intervals not to exceed 100 hours TIS or 12 months, whichever occurs later.

(4) If any crack(s) is found during any inspection required by paragraph (h) of this AD, before further flight, repair or replace the affected wing spar in accordance with instructions obtained from the Manager, International Validation Branch, FAA.

(5) Airplanes where eddy current inspections are required every 50 hours TIS as specified in paragraph (h)(3)(i) of this AD must have the wing spar replaced within 18 months after starting the eddy current inspections.

(i) Special Flight Permits

Special flight permits are prohibited.

(j) Alternative Methods of Compliance (AMOCs)

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

(k) Additional Information

(1) For more information about this AD, contact Aaron Nguyen, Aviation Safety Engineer, FAA, [1600 Stewart Avenue, Suite 410, Westbury, NY 11590]; phone: (281) 799–3453; email: aaron.t.nguyen@faa.gov.

(2) FAA Advisory Circular 13.13–1B, “Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair,”

Change 1, dated September 8, 1998; with Editorial Update dated September 27, 2001, may be found at [drs.faa.gov](https://www.faa.gov/drs/faq).

(3) For ANAC Argentina AD 2024–05–01 R1, contact Aviación Civil Argentina, Av. Paseo Colon, 1452 CP, Buenos Aires, Argentina; phone: +54 115941 3000/7; website: argentina.gob.ar/anac.

(I) 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) LAVIASA aeroindustria Service Bulletin No. 25–57–09, REV 0, dated November 27, 2023.

(ii) LAVIASA aviacion Service Bulletin No. 25–57–11, Rev 00, dated August 23, 2024.

(3) For LAVIASA aviacion material identified in this AD, contact LAVIA ARGENTINA S.A., Parque Industrial Mendoza, Eje Norte, Manzana 13 lote 3, Las Heras, Mendoza, Argentina; phone: +54 9 2614 67–7682; email: administracion@laviaargentina.com; website: laviaargentina.com.

(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 October 24, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–20084 Filed 11–17–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–3438; Project Identifier AD–2025–01163–A]

RIN 2120–AA64

Airworthiness Directives; Twin Commander Aircraft LLC 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 Twin Commander Aircraft LLC (Twin Commander) Model 685, 690, 690A, 690B, 690C, 690D, 695, and 695A

airplanes. This proposed AD was prompted by reports of fatigue cracking affecting structural components within the fuselage and empennage structure. This proposed AD would require inspecting certain structural components within the fuselage and vertical stabilizer for any evidence of cracks, corrosion, or loose hardware, and inspecting the working fasteners at the diagonal braces of fuselage station (FS) 386 for cracks, elongation, or deformation; and depending on the results of the inspections, replacing with new parts or used parts or repairing, as applicable; and reporting inspection results to the FAA. 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–2025–3438; 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.

FOR FURTHER INFORMATION CONTACT:

Lekebis Russell, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5510; email: ecb-cos@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–2025–3438; Project Identifier AD–2025–01163–A” 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 revise 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 Lekebis Russell, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337. 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 FAA received reports of fatigue cracking throughout the fuselage and vertical stabilizer’s structural components on Twin Commander Model 685, 690, 690A, 690B, 690C, 690D, 695, and 695A airplanes. The fatigue cracking was found in areas with insufficient access for inspections, which led to undetected crack development. Specifically, cracking was observed at FS 409, the vertical stabilizer’s aft spar, the horizontal stabilizer’s forward spar, and the vertical stabilizer skin.

AD 95–13–02, Amendment 39–9283 (60 FR 32583, June 23, 1995) (AD 95–13–02) was issued to address cracking in the vertical stabilizer. This AD requires initially inspecting the vertical stabilizer for cracks, modifying any cracked vertical stabilizer, and, if not cracked, either repetitively inspecting or modifying the vertical stabilizer, and allowed for terminating action through modification or repair. Since the issuance of AD 95–13–02, continued cracking has been observed at FS 409. These findings show that previously implemented modifications in AD 95–13–02 did not provide an effective terminating action, along with the detection of additional cracking at FS 386 and FS 429 during later inspections. FS 386 and FS 429, where cracks were recently found, were not part of the inspections required by AD 95–13–02. Therefore, this proposed AD, while not superseding AD 95–13–02, addresses continued cracking in FS 409, including areas adjacent to prior repairs, by requiring inspections around repaired members, thereby complementing the ongoing requirements of AD 95–13–02.

The FAA is proposing this AD to prevent the failure of the aft fuselage or

empennage structural members. The unsafe conditions, if not addressed, could result in structural failure of the empennage, which could lead to loss of control of the airplane.

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.

Proposed AD Requirements in This NPRM

This proposed AD would require inspecting certain structural components within the fuselage and vertical stabilizer for any evidence of cracks, corrosion, or loose hardware, and inspecting the working fasteners at the diagonal braces of FS 386 for cracks, elongation, or deformation; and depending on the results of the inspections, replacing with new parts or used parts or repairing, as applicable. This proposed AD would also require reporting the inspection results to the FAA.

Interim Action

The FAA considers that this proposed AD would be an interim action. An investigation is ongoing, and the final corrective action has not yet been determined. Once corrective action has been determined, the FAA may consider additional rulemaking action.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 589 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
Perform detailed visual inspection FS 386, 409, 429, and vertical stabilizer.	60 work-hours × \$85 per hour = \$5,100 ...	\$0	\$5,100	\$3,003,900
Perform general visual inspection of empennage structure.	30 work-hours × \$85 per hour = \$2,550 ...	0	2,550	1,501,950
Report inspection findings	1 work-hour × \$85 per hour = \$85	0	85	50,065

The extent of the fatigue cracking within the fuselage or empennage structural components may vary significantly from airplane to airplane. The FAA has no way to determine how much damage may be found on each airplane, the extent of the damage, the cost to repair the damaged areas (or replace the part, if needed), or the

number of airplanes that might require repair or replacement.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork

Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data

sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

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:

Twin Commander Aircraft LLC: Docket No. FAA–2025–3438; Project Identifier AD–2025–01163–A.

(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 Twin Commander Aircraft LLC Model 685, 690, 690A, 690B, 690C, 690D, 695, and 695A airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 5500, Empennage Structure.

(e) Unsafe Condition

This AD was prompted by reports of fatigue cracking affecting structural components within the fuselage and empennage structure. The FAA is issuing this AD to prevent the failure of the aft fuselage or empennage structural members. The unsafe condition, if not addressed, could result in structural failure of the empennage, which could lead to loss of control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Within 50 hours time-in-service (TIS) after the effective date of this AD, thoroughly clean the empennage interior structure and perform the inspections in paragraphs (g)(1)(i), (ii), and (iii) of this AD.

(i) A detailed visual inspection for cracks, corrosion, or loose hardware, using at least 10x magnification, and the figures provided in appendix 1 of this AD, at the locations identified in paragraphs (g)(1)(i)(A) through (P).

- (A) Fuselage Station (FS) 386: Frame Web at each corner radius
- (B) FS 386: Horizontal Brace Joggles
- (C) FS 386: Frame Upper Cable Cutouts
- (D) FS 386: Diagonal Braces
- (E) FS 409: Horizontal Stabilizer Front Spar

- (F) FS 409: Vertical Stabilizer Spar Web
- (G) FS 409: Frame Web at each corner fillet radius
- (H) FS 409: Frame Web below horizontal stabilizer spar
- (I) FS 409: Frame Tangs attaching fuselage skin
- (J) FS 409: Exterior Fuselage Skin at cutouts corners
- (K) FS 409: Exterior Fuselage Skin at frame tang attachment
- (L) FS 409: Vertical Stabilizer Spar Web Forward and Aft Clips
- (M) FS 429: Aft Frame Channel and Web
- (N) FS 429: Forward Channel attached to frame
- (O) Vertical Stabilizer Skin: Repair Skin Doubler
- (P) Vertical Stabilizer: Mid Spar Flange

(ii) A detailed visual inspection for cracks, elongation, or deformation of the working fasteners at location (D) FS 386 diagonal braces, using at least 10x magnification.

(iii) A general visual inspection of areas adjacent to the structures in paragraphs (g)(1)(i)(A) through (P) of this AD within the empennage structure for any evidence of cracks, corrosion, or loose hardware. Additional access or teardown is not required for this inspection.

(iv) For inspections required by paragraph (g)(1)(i), (ii), and (iii) of this AD, it is satisfactory to inspect the immediate area adjacent to previously installed repairs for any cracking, or corrosion, or loose hardware. Repairs or modifications previously installed will not be required to be removed from the airplane unless damage is found.

Note 1 to paragraph (g)(1): Paragraph 5–18, Visual Inspection Procedures, of Chapter 5, Nondestructive Inspection (NDI), Section 2, Visual Inspection, of FAA Advisory Circular 43.13–1B, "Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair," Change 1, dated September 8, 1998; with Editorial Update dated September 27, 2001, provides guidance on performing visual inspections.

(2) If, during the inspections required by paragraph (g)(1)(i), (ii), or (iii) of this AD, any evidence of cracks, corrosion, or loose hardware is found at FS 386, or FS 409, or FS 429 or the vertical stabilizer or cracks, elongation, or deformation are found to the holes of the working fasteners at the diagonal braces of FS 386, before further flight, replace with new parts with zero hours TIS or used parts that have been inspected per paragraphs (g)(1)(i), (ii), and (iii) of this AD and found to be free of cracks corrosion, or loose hardware, or repair using a method approved by the Manager, East Certification Branch, FAA. For a repair method to be approved by the Manager, East Certification Branch, FAA as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

Note 2 to paragraph (g)(2): If a repair in FS 409 is necessary, then an alternative method of compliance would also be necessary in this area for those doing repetitive inspections in accordance with AD 95–13–02; Amendment 39–9283; (87 FR 32583; June 23, 1995) per 14 CFR 39.17. This would include if a repair was necessary that was different than that required by AD 95–13–02.

(h) Reporting Requirement

Within 30 days after performing the inspections required by paragraphs (g)(1)(i), (ii), and (iii) of this AD or within 30 days after the effective date of this AD, whichever occurs later, report the results of the inspections, including no findings, to the FAA at ecb-cos@faa.gov. The report must include the following:

- (1) The name and address of owner;
- (2) The date of the inspection;
- (3) The name, address, telephone number, and email address of person submitting the report;
- (4) The airplane serial number, registration number, total flight hours, flight hours during the last 12 months, airplane usage (*e.g.*, 14 CFR part 91/135—general, forest service, fire attack roles, low aerial survey, etc.);
- (5) The flight hours of any usage under forest service, fire attack roles, or aerial survey (nonstandard usage).

(6) A description of cracks, corrosion, or loose hardware of the fuselage structure or vertical stabilizer or cracks, elongation, or deformation of the working fasteners at the diagonal braces of FS 386. Include affected structure, dimensions, including length and location.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, East Certification 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 East Certification Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD and email to: AMOC@faa.gov.

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

(j) Additional Information

(1) For more information about this AD, contact Lekebis Russell, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474-5510; email: ecb-cos@faa.gov.

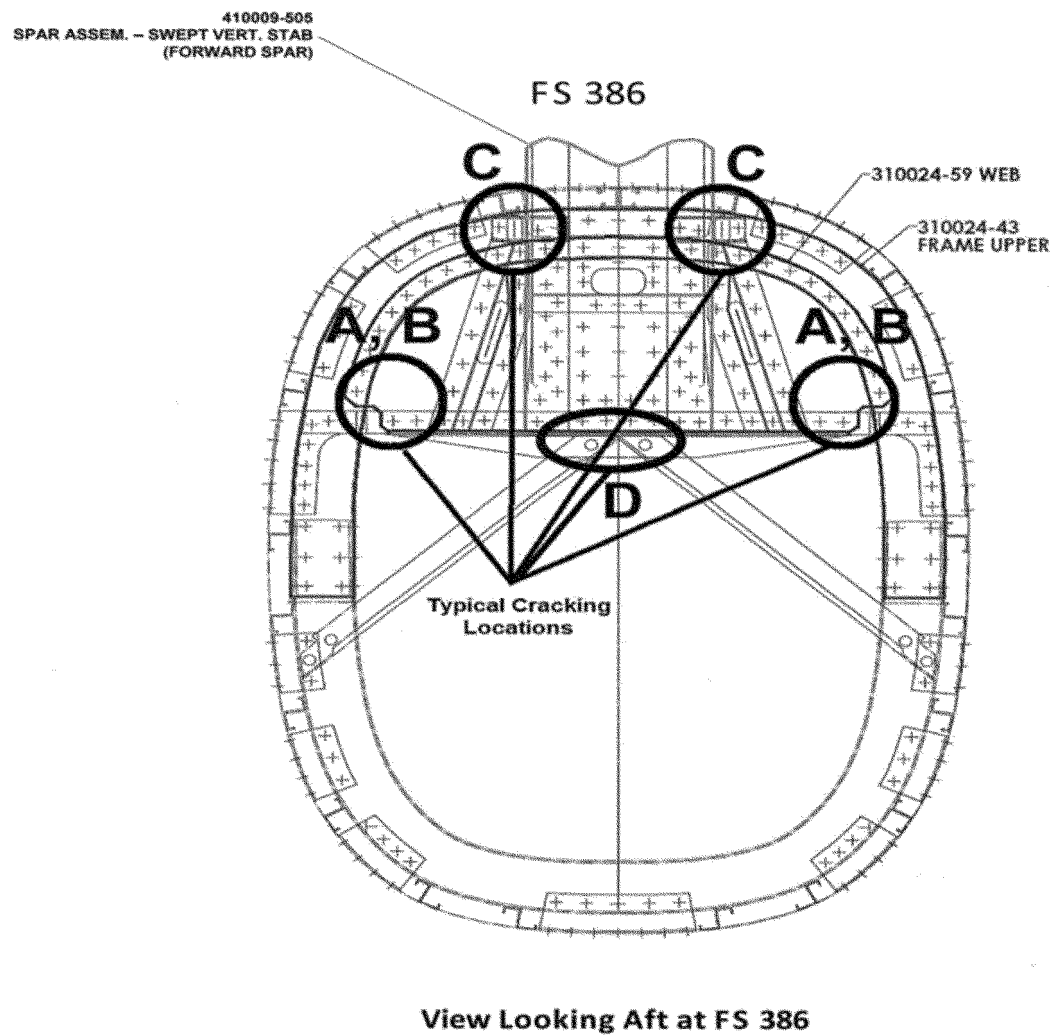
(2) FAA Advisory Circular 43.13-1B, “Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair,” Change 1, dated September 8, 1998; with Editorial Update dated September 27, 2001, may be found at [drs.faa.gov](https://www.faa.gov/drs).

(k) Material Incorporated by Reference

None.

BILLING CODE 4910-13-P

Appendix 1 to Docket FAA-2025-3438



- View Looking Aft at FS 386**
- (A) FS 386: Frame Web at each corner radius
 - (B) FS 386: Horizontal Brace Joggles
 - (C) FS 386: Frame Upper Cable Cutouts
 - (D) FS 386: Elongation of Holes at the Diagonal Braces

Figure 1 to Appendix 1

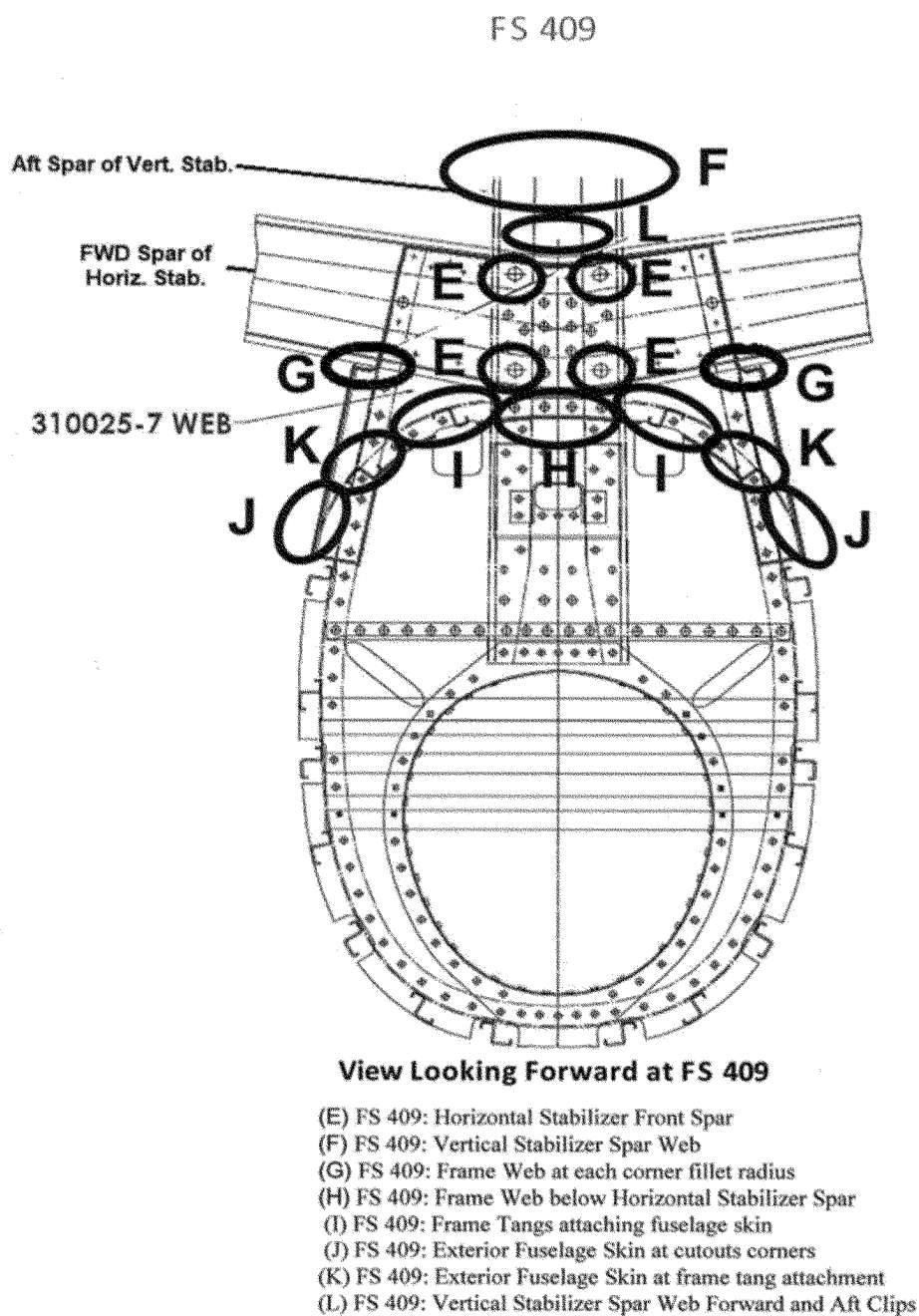
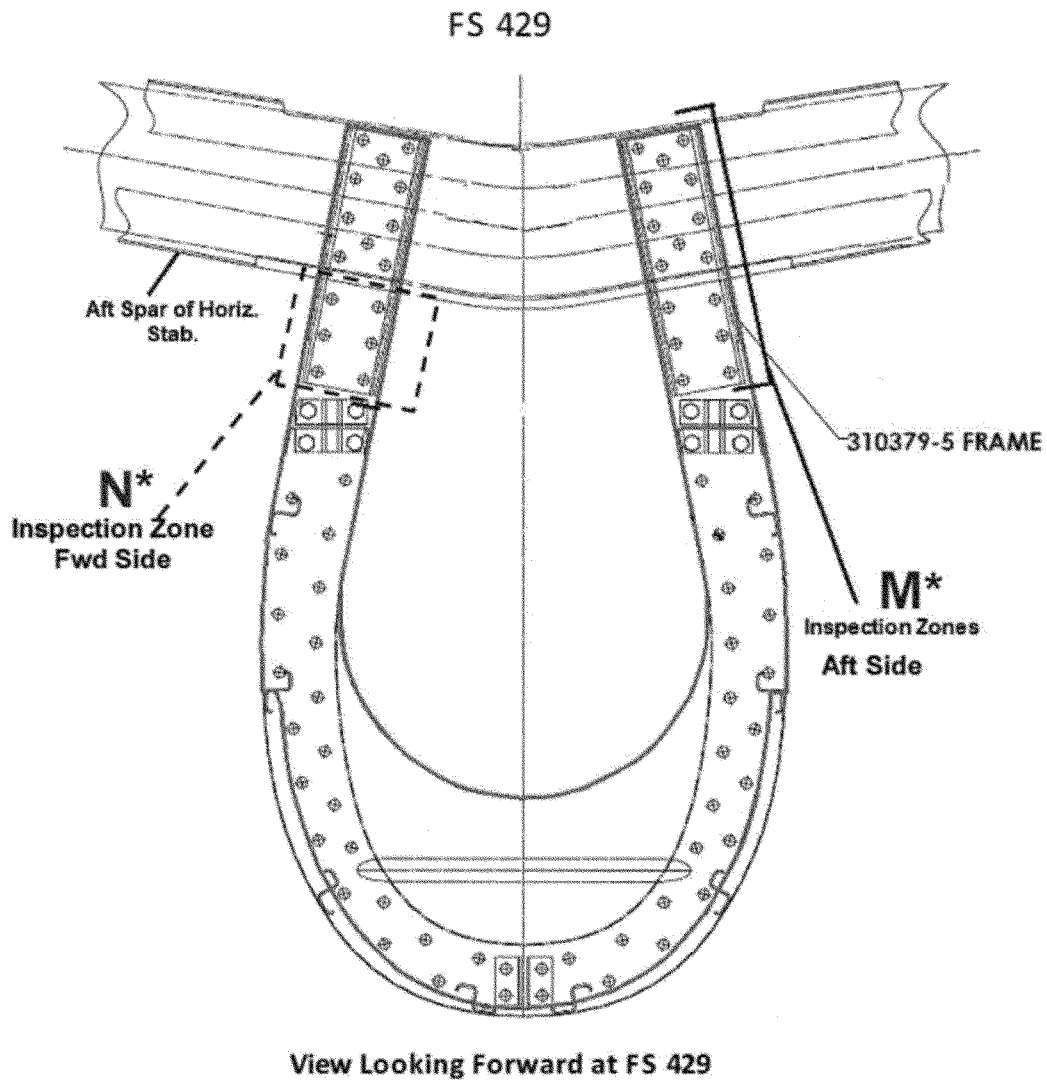


Figure 2 to Appendix 1



- (M) FS 429: Aft Frame Channel and Web (* inspection mirrored on opposite side)
(N) FS 429: Forward Channel attached to Frame (* inspection mirrored on opposite side)

Figure 3 to Appendix 1

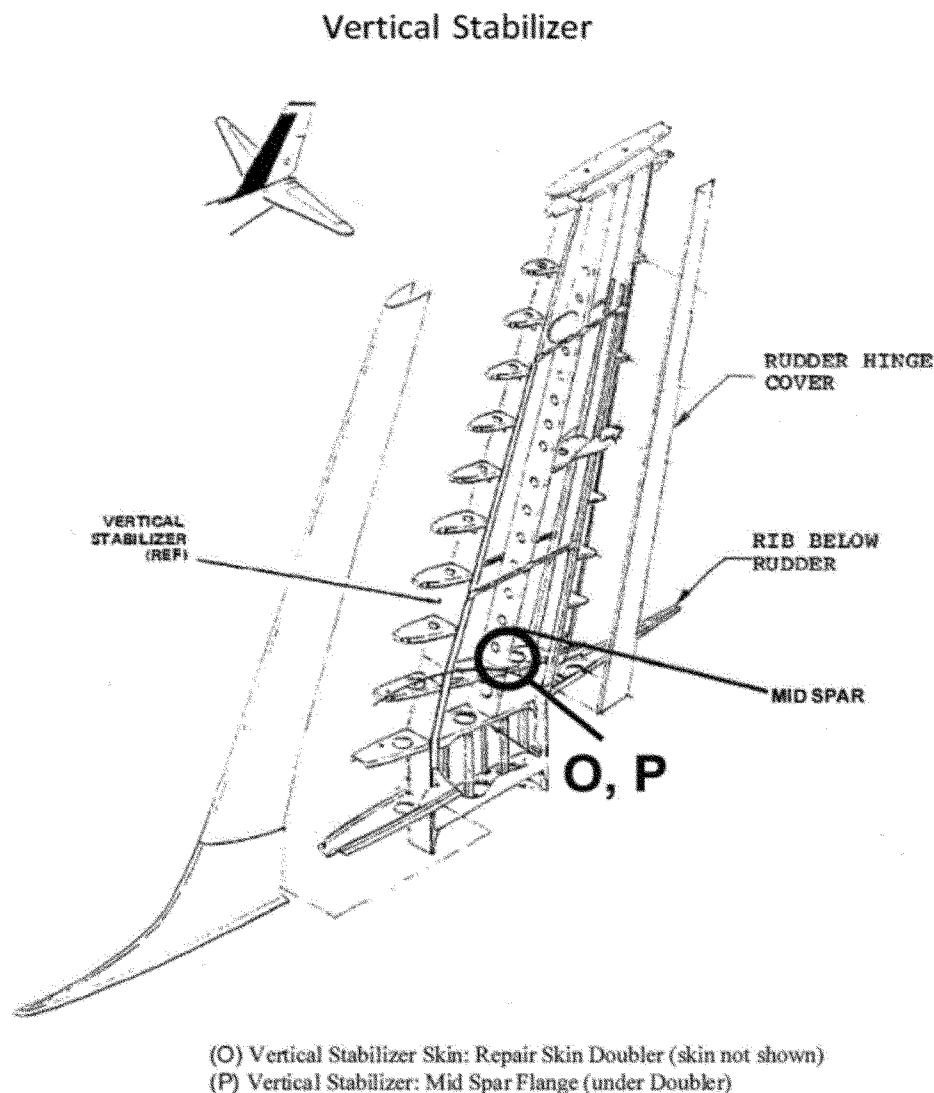


Figure 4 to Appendix 1

Issued on November 13, 2025.

Steven W. Thompson,

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

[FR Doc. 2025-20085 Filed 11-17-25; 8:45 am]

BILLING CODE 4910-13-C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-3999; Project Identifier MCAI-2025-00176-R]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus Helicopters Model AS-350B, AS 350BA, AS 350B1, AS 350B2, AS 350B3, and AS-350D helicopters. This proposed AD was prompted by a report

of non-conformity of a certain cargo hook. This proposed AD would require inspecting the gap between the filler and the side plates of the affected cargo hook and, depending on the results, replacing the cargo hook. This proposed AD would also prohibit installing an affected cargo hook on any helicopter. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by January 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-2025-3999; 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; phone: +49 221 8999 000; email: ADs@easa.europa.eu; website: easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu.

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-3999.

FOR FURTHER INFORMATION CONTACT: Yves Petiotte, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (202) 975-4867; email: yves.petiotte@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 **ADDRESSES**. Include “Docket No. FAA-2025-3999; Project Identifier MCAI-2025-00176-R” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to

[regulations.gov](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 Yves Petiotte, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025-0036, dated February 12, 2025 (EASA AD 2025-0036) (also referred to as the MCAI), to correct an unsafe condition on Airbus Helicopters Model AS 350 B, AS 350 BA, AS 350 BB, AS 350 B1, AS 350 B2, AS 350 B3, and AS 350 D helicopters. The MCAI states that a non-conformity issue concerning the gap between the filler and the side plates on the cargo hook of a helicopter was reported. The unsafe condition, if not addressed, could result in loosening of the cargo hook, loss of the load, and consequent injury to people on the ground.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-3999.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025-0036, which specifies procedures for inspecting certain cargo hooks to measure the gap between the filler and the front and rear side plate assemblies and, depending on the results, replacing the cargo hook with a cargo hook that is not affected. Additionally, EASA AD

2025-0036 prohibits installing an affected cargo hook on any helicopter.

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

FAA’s Determination

These products have been approved by the 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, it 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 on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025-0036, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD. See “Differences Between this Proposed AD and the MCAI” for a discussion of the general differences included in this proposed AD.

Differences Between This Proposed AD and the MCAI

The MCAI applies to Airbus Helicopters Model AS350BB helicopters, whereas this proposed AD would not because that model does not have an FAA type certificate.

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 2025-0036 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025-0036 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 2025-0036 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 2025–0036. Material referenced in EASA AD 2025–0036 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–3999 after the FAA final rule is published.

Costs of Compliance
The FAA estimates that this AD, if adopted as proposed, would affect 898 helicopters of U.S. registry. The FAA estimates the following costs to comply with this proposed AD.

ESTIMATED COSTS				
Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect cargo hook	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$76,330

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

proposed inspection. The agency has no way of determining the number of

helicopters that might need this replacement.

ON-CONDITION COSTS			
Action	Labor cost	Parts cost	Cost per product
Replace cargo hook	4 work-hours × \$85 per hour = \$340	\$62,136	\$62,476

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters: Docket No. FAA–2025–3999; Project Identifier MCAI–2025–00176–R.

(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 Helicopters Model AS–350B, AS 350BA, AS 350B1, AS 350B2, AS 350B3, and AS–350D helicopters, certificated in any category.

Note 1 to paragraph (c): Helicopters with AS350B3e designation are Model AS 350B3 helicopters.

(d) Subject

Joint Aircraft System Component (JASC) Code 2510, Flight Compartment Equipment.

(e) Unsafe Condition

This AD was prompted by a report of a non-conformity of the cargo hook. The FAA is issuing this AD to detect and correct a non-conformity of the cargo hook. The unsafe condition, if not addressed, could result in loosening of the cargo hook, loss of the load, and consequent injury to people on the ground.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0036, dated February 12, 2025 (EASA AD 2025–0036).

(h) Exceptions to EASA AD 2025–0036

(1) Where EASA AD 2025–0036 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0036 defines sling cycles, for the purposes of this AD, a sling cycle is defined as one release with load on ground equals one sling cycle, and one release with load in-flight equals three sling cycles.

(3) Where the material referenced in EASA AD 2025–0036 specifies “check”, this AD requires replacing that text with “inspect”.

(4) Where the material referenced in EASA AD 2025–0036 specifies to return parts for repair, this AD does not require those actions.

(5) This AD does not adopt the “Remarks” section of EASA AD 2025–0036.

(i) Special Flight Permits

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199, provided there are no external load operations.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact Yves Petiotte, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (202) 975–4867; email: yves.petiotte@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 the AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2025–0036, dated February 12, 2025.

(ii) [Reserved]

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

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

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

Issued on November 7, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–20091 Filed 11–17–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2025–0805]

RIN 1625–AA09

Drawbridge Operation Regulation; Newark Bay, Between the City of Newark and City of Bayonne, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating regulation that governs the Lehigh Valley Drawbridge across Newark Bay, mile 4.6, between the City of Newark and City of Bayonne, NJ. This proposed change in the regulation will not alter the operating schedule of the bridge but will allow the bridge to be remotely operated from the Conrail North Jersey Dispatch Center in Mount Laurel, NJ. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 16, 2026.

ADDRESSES: You may submit comments identified by docket number USCG–2025–0805 at <https://www.regulations.gov>.

See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Gregory P. Hitchen, Northeast Coast Guard District (dpb), the Coast Guard; telephone 571–607–8154, email Gregory.P.Hitchen@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking
(Advance, Supplemental)
§ Section
U.S.C. United States Code

II. Background, Purpose and Legal Basis

The Lehigh Valley Drawbridge across Newark Bay, between the City of Newark and City of Bayonne, NJ, mile 4.6, owned and operated by Conrail, has

a vertical clearance of 35 feet above mean high water when closed and 135 feet above mean high water when open.

The current operating schedule is published in 33 CFR 117.735 and will not change with the implementation of remote operation of the bridge. This proposed regulation will allow the bridge to be remotely operated from the Conrail North Jersey Dispatch Center in Mount Laurel, NJ. There are 28 daily train transits that cross the bridge and a daily average of four bridge openings for vessel transits. The bridge is normally maintained in the closed position due to the average daily number of trains crossing the bridge. Newark Bay is a major commercial waterway containing multiple waterfront facilities. However, most of these facilities are well south (downstream) of the Lehigh Valley Lift Bridge.

The Coast Guard is proposing to allow remote operations to improve the efficiency of bridge openings. Currently the on-site bridge operator must consult with the Conrail train dispatcher in Mount Laurel NJ to obtain authorization to open the Lehigh Valley Drawbridge. This process causes delays in authorizing the opening of the bridge, which is a major causative factor in complaints the Coast Guard receives from mariners regarding delayed openings. Remote operations will facilitate direct communication between the mariner and the Conrail train dispatcher, who has much better situational awareness of the multimodal transportation picture.

This modification will also allow the Arthur Kill Railroad Bridge and Hack Freight Railroad Bridge to be remotely operated from the Conrail North Jersey Dispatch Center in Mount Laurel, NJ, instead of being operated by the bridge tender at the Lehigh Valley Drawbridge. The operating schedules for the Arthur Kill Railroad Bridge and Hack Freight Railroad Bridge are published in 33 CFR 117.702 and 33 CFR 117.723, respectively. These regulations already authorize both bridges to be remotely operated, and their schedules will not change as a result of the implementation of remote operation of the Lehigh Valley Drawbridge.

This NPRM is publishing simultaneously with a test deviation in the Rules section of this issue of the **Federal Register**, under the same name and docket number. Both documents can be found at <https://www.regulations.gov> and comments can be made to either document.

III. Discussion of Proposed Rule

This proposed operating regulation will allow the Lehigh Valley Drawbridge to be operated remotely from the Conrail North Jersey Dispatch Center in Mount Laurel, NJ. The remote operations system includes eight camera views (four marine and four rail), marine radar, sonar, automated integration system (AIS) sensors, integration software, a dedicated phone line for bridge operations, radiotelephone on VHF-FM channels 13 and 16, and an AIS transmitter to provide bridge status (LEHIGH VALLEY BRG-OPEN, LEHIGH VALLEY BRG-CLOSED, and LEHIGH VALLEY BRG-INOP). The AIS transmitter will transmit the bridge status every two minutes and upon a change in bridge status.

The remote operation system is designed to provide equal or greater capabilities compared to the on-site bridge tender, in visibility of the waterway and bridge, and in signals (communications) via sound and visual signals and radio telephone (voice) via VHF-FM channels 13 and 16. The remote operation system also incorporates real-time bridge status via AIS signal to aid mariners in voyage planning and navigational decision making, a dedicated telephone line (856) 231-2301 for bridge operations, and push-to-talk (PTT) capability on VHF-FM channels 13 and 16. Vessels that require an opening shall continue to request an opening via the methods (sound or visual signals or radio telephone (VHF-FM) voice communications) as defined in 33 CFR 117.15(b) through (d), via telephone at (856) 231-2301, or push-to-talk (PTT) on VHF-FM channel 13. Vessels may push the PTT button five times while on VHF-FM channel 13 and the North Jersey Dispatch Center will receive and respond to the request and commence opening of the bridge.

The remote operation system will be considered failed and qualified personnel will return and operate the Lehigh Valley Drawbridge, Arthur Kill Railroad Bridge, Hack Freight Railroad Bridge within 60 minutes, if any of the following conditions are found: (1) The remote operation system becomes incapable of safely and effectively operating the bridge from the remote operation center, (2) visibility of the waterway or bridge is degraded to less than equal that of an on-site bridge tender (all eight camera views are required), (3) signals (communications) via sound or visual signals or radio telephone (voice) via VHF-FM channels 13 or 16 become inoperative, or (4) AIS becomes inoperative.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on these statutes and Executive Orders.

A. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons. (1) vessels will continue to transit the bridge per the operating schedule defined in 33 CFR 117.735, (2) the remote operation system is designed to provide equal or greater capabilities compared to the on-site bridge tender, and (3) the bridge owner will be capable of restoring on-site operation of the bridge within 60 minutes if the remote operation system fails.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

B. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

C. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has 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. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect 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. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

D. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

E. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further

review, under paragraph L49, of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2025–0805 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you go to the online docket and sign up for email alerts through the “Subscribe” option, you will be notified when comments/updates are posted, or a final rule is published.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and DHS Delegation No. 00170.1. Revision No.01.3

■ 2. Revise § 117.735 to read as follows:

§ 117.735 Newark Bay.

(a) The following requirements apply to all bridges across this waterway:

(1) Public vessels of the United States, state or local vessels used for public service, and vessels in distress shall be passed through the draw without delay. The opening signal from these vessels is four or more short blasts of a whistle or horn or a radio request.

(2) The owners of these bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 12 inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gauges shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(3) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed five minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

(b) The draw of the Lehigh Valley Drawbridge, mile 4.6, between the City of Newark and City of Bayonne, NJ, shall be operated from a remote location at all times, except when it is tended locally.

(1) Closed circuit television cameras shall be operated and maintained at the bridge site to enable the remotely located bridge tender to have a full view of both vessel traffic and the bridge.

(2) Radiotelephone Channel 13/16 VHF–FM shall be maintained and utilized to facilitate communication in both remote and local control locations. A push-to-talk (PTT) will be maintained on VHF–FM channel 13. Vessels may push the PTT button five times while on VHF–FM channel 13 and the remotely located bridge tender will receive and respond to the request and commence opening of the bridge.

(3) The bridge shall also be equipped with directional microphones and horns to receive and deliver signals to vessels

(4) A telephone number will be maintained and posted for mariners to directly contact the remotely located bridge tender.

(5) Whenever the remote control system equipment is partially disabled or fails for any reason, the bridge shall be physically tended and operated by local control as soon as possible, but no more than 60 minutes after malfunction or disability of the remote system. Mechanical bypass and override capability of the remote system shall be provided and maintained.

M.E. Platt,

Rear Admiral, U.S. Coast Guard, Commander, Northeast Guard District.

[FR Doc. 2025–20164 Filed 11–17–25; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R05–RCRA–2025–1675; FRL–12244–01–R5]

Ohio: Proposed Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Ohio has applied to the Environmental Protection Agency (EPA) for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. The EPA has reviewed Ohio’s application and has determined that these changes satisfy all requirements needed to qualify for final authorization. Therefore, we are proposing to authorize the State’s changes. The EPA seeks public comment prior to taking final action.

DATES: Comments must be received on or before December 18, 2025.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R05–RCRA–2025–1675, by the following method:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Email:** Daniel Leonard, leonard.daniel@epa.gov.

Instructions: EPA must receive your comments by December 18, 2025.

Docket: All documents in the docket are listed in the <https://www.regulations.gov>

www.regulations.gov index. 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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at <https://www.regulations.gov>, or in hard copy.

Written comments: EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <https://www.regulations.gov>, including any personal information provided. 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). Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The Federal <https://www.regulations.gov> website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. (For additional information about EPA's public docket, visit the EPA Docket Center homepage at <https://www.epa.gov/dockets/commenting-epa-dockets>).

FOR FURTHER INFORMATION CONTACT: Daniel Leonard, Waste Management Permitting Section, Land, Chemicals, and Redevelopment Division, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, LL-17J, Chicago, IL 60604. Daniel Leonard can be reached by telephone at (312) 886-7089 or via email at leonard.daniel@epa.gov.

SUPPLEMENTARY INFORMATION:

A. Why are revisions to state programs necessary?

States that have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must

maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, states must change their programs and ask EPA to authorize the changes. Changes to state programs may be necessary when Federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, states must change their programs because of changes to EPA's regulations in Title 40 of the Code of Federal Regulations (CFR) parts 124, 260 through 268, 270, 273, and 279.

New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) take effect in authorized states at the same time that they take effect in unauthorized states. Thus, EPA will implement those requirements and prohibitions in Ohio, including the issuance of new permits implementing those requirements, until the State is granted authorization to do so.

B. What decisions has EPA made in this proposed rule?

On June 27, 2023, Ohio submitted a program revision application seeking authorization of changes to its hazardous waste program that correspond to certain Federal rules promulgated between June 21, 1990 and July 7, 2020 (also known as RCRA Clusters II through XXIX). On January 15, 2024, EPA requested further information from the Ohio Attorney General, including information regarding the State's issuance of exemptions that appeared in conflict with a previous statement from the Ohio Attorney General and which might make Ohio's program less stringent than the Federal program. On October 24, 2024, Ohio submitted a response clarifying the Ohio Attorney General's position on these exemptions. On January 17, 2025, EPA responded to Ohio EPA with a letter stating in order to complete the process for authorizing Ohio's application, Ohio should address the existing exemptions by continuing to work with EPA to make final permit decisions on permit applications under review. In addition, EPA requested that Ohio EPA memorialize its commitments to make these permit decisions and to ensure common understanding and efficient coordination for any future proposal to issue an exemption or variance. Ohio EPA has made commitments to EPA and agreed to revise its Memorandum of Agreement required under 40 CFR 271.8 with

formal commitments to this effect. The EPA concludes that Ohio's application to revise its authorized program now meets all of the statutory and regulatory requirements established under RCRA, as set forth in RCRA section 3006(b), 42 U.S.C. 6926(b), and 40 CFR part 271. Therefore, EPA proposes to grant Ohio final authorization to operate its hazardous waste program with the changes described in the authorization application, and as outlined below in Section F of this document.

Ohio has responsibility for permitting treatment, storage, and disposal facilities within its borders (except in Indian country) and for carrying out the aspects of the RCRA program described in its revised program application.

C. What is the effect of this proposed authorization decision?

If Ohio is authorized for the changes described in Ohio's authorization application, these changes will become part of the authorized State hazardous waste program, and will therefore be federally enforceable. Ohio will continue to have primary enforcement authority and responsibility for its State hazardous waste program. The EPA would maintain its authorities under RCRA sections 3007, 3008, 3013, and 7003, including its authority to:

- Conduct inspections, and require monitoring, tests, analyses and reports;
- Enforce RCRA requirements, including authorized State program requirements, and suspend or revoke permits; and
- Take enforcement actions regardless of whether the State has taken its own actions.

This action will not impose additional requirements on the regulated community because the regulations which EPA is proposing to authorize in Ohio are already effective under State law and are not changed by this proposed action.

D. What happens if EPA receives comments that oppose this action?

If EPA receives oppositional comments on this proposed action, we will address all such comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you should do so at this time.

E. What has Ohio previously been authorized for?

Ohio initially received final authorization on June 28, 1989, effective June 30, 1989 (54 FR 27170, June 28, 1989) to implement the RCRA hazardous waste management program. Subsequently, the EPA granted

authorization for changes to the Ohio program effective June 7, 1991 (56 FR 14203, April 8, 1991) as corrected June 19, 1991, effective August 19, 1991 (56 FR 28088); effective September 25, 1995 (60 FR 38502, July 27, 1995); effective December 23, 1996 (61 FR 54950, October 23, 1996); effective January 24, 2003 (68 FR 3429, January 24, 2003); effective January 20, 2006 (71 FR 3220, January 20, 2006); effective October 29, 2007 (72 FR 61063, October 29, 2007);

effective March 19, 2012 (77 FR 25966, March 19, 2012); effective February 12, 2018 (83 FR 5948, February 12, 2018); and effective September 26, 2019 (84 FR 50766, September 26, 2019).

F. What changes are we proposing with today's action?

On June 27, 2023, Ohio submitted a final complete program revision application, seeking authorization of changes to its hazardous waste management program in accordance

with 40 CFR 271.21. The EPA proposes to determine, subject to receipt of written comments that oppose this action, that Ohio's hazardous waste program revisions are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. Therefore, EPA is proposing to authorize Ohio for the following program changes:

Rule checklist ¹	Description of Federal requirement	Federal Register date and page (and/or RCRA statutory authority)	Analogous State Authority (Ohio Admin. Code effective June 12, 2023, unless otherwise specified)
79	Hazardous Waste Treatment, Storage, and Disposal Facilities—Organic Air Emission Standards for Process Vents and Equipment Leaks.	55 FR 25454	3745–50–11, 3745–54–13, 3745–54–15, 3745–54–73, 3745–54–77, 3745–65–73, 3745–65–77, 3745–205–30 through 3745–205–36, 3745–205–50 through 3745–205–65, 3745–256–30 through 3745–256–35, 3745–256–50 through 3745–256–64, 3745–50–44.
87	Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment.	56 FR 19290	3745–205–30, 3745–205–33, 3745–205–35, 3745–205–52, 3745–65–13, 3745–65–73, 3745–256–30, 3745–256–34, 3745–256–35, 3745–256–52, 3745–256–64, 3745–50–44.
154	Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers.	61 FR 59931	3745–50–11, 3745–50–44, 3745–50–49, 3745–51–06, 3745–54–13, 3745–54–15, 3745–54–73, 3745–54–77, 3745–55–79, 3745–55–100, 3745–56–32, 3745–57–91, 3745–65–01, 3745–65–13, 3745–65–15, 3745–65–73, 3745–65–77, 3745–66–78, 3745–66–102, 3745–67–31, 3745–205–30, 3745–205–33, 3745–205–35, 3745–205–50, 3745–205–55, 3745–205–64, 3745–205–80, 3745–205–82 through 3745–205–90, 3745–256–30, 3745–256–33 through 3745–256–35, 3745–256–30, 3745–256–55, 3745–256–58, 3745–256–64, 3745–256–80 through 3745–256–90.
158	Hazardous Waste Management System; Testing and Monitoring Activities.	62 FR 32452	3745–50–11, 3745–205–34, 3745–205–63, 3745–256–34, 3745–256–63, 3745–266–106, 3745–266–107.
163	Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers.	62 FR 64636	3745–54–15, 3745–54–73, 3745–205–30, 3745–205–31, 3745–205–33, 3745–205–50, 3745–205–60, 3745–205–62, 3745–205–64, 3745–205–80, 3745–205–82 through 3745–205–89, 3745–65–15, 3745–65–73, 3745–256–30, 3745–256–33, 3745–256–50, 3745–256–60, 3745–256–62, 3745–256–64, 3745–256–80 through 3745–256–90.
177	Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers.	64 FR 3381	3745–205–31, 3745–205–80, 3745–205–83, 3745–205–84, 3745–205–86, 3745–256–80, 3745–256–84, 3745–256–85, 3745–256–87.
205	National Emission Standards for Hazardous Air Pollutants (NESHAP): Surface Coating of Automobiles and Light-Duty Trucks.	69 FR 22601	3745–205–50, 3745–256–50.
208	Methods Innovation Rule and SW–846 Update	79 FR 35290	3745–50–11, 3745–50–44, 3745–55–90, 3745–66–90, 3745–205–34, 3745–205–63, 3745–256–34, 3745–256–63, 3745–256–81, 3745–256–84, 3745–266–100, 3745–266–102, 3745–266–103, 3745–266–106, 3745–266–112.
212	National Emission Standards for Hazardous Air Pollutants (NESHAP): Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II).	70 FR 59402	3745–50–11, 3745–50–44, 3745–50–51, 3745–57–40, 3745–266–100.

¹ Revision Checklists generally reflect changes to Federal regulations pursuant to a particular **Federal Register** publication; EPA publishes these

checklists as aids to states to use for development of their authorization revision application. See EPA's RCRA State Authorization website at [https://](https://www.epa.gov/rcra/state-authorization-under-resource-conservation-and-recovery-act-rcra)

www.epa.gov/rcra/state-authorization-under-resource-conservation-and-recovery-act-rcra.

Rule checklist ¹	Description of Federal requirement	Federal Register date and page (and/or RCRA statutory authority)	Analogous State Authority (Ohio Admin. Code effective June 12, 2023, unless otherwise specified)
213	Burden Reduction Initiative	71 FR 16862	3745–50–10, 3745–50–24, 3745–50–44, 3745–50–51, 3745–54–15, 3745–54–73, 3745–65–15, 3745–65–73, 3745–66–93, 3745–205–61, 3745–205–62, 3745–256–61, 3745–256–62, 3745–266–102, 3745–266–103.
214	Corrections to the Code of Federal Regulations	71 FR 40254	3745–50–10, 3745–50–44, 3745–50–51, 3745–54–01, 3745–54–13, 3745–55–18, 3745–57–91, 3745–65–01, 3745–65–73, 3745–66–17, 3745–66–42, 3745–66–93, 3745–256–33, 3745–256–35, 3745–256–63, 3745–256–73, 3745–256–80, 3745–256–84, 3745–256–85, 3745–256–87, 3745–256–90, 3745–205–30, 3745–205–33, 3745–205–34, 3745–205–35, 3745–205–50, 3745–205–58, 3745–205–64, 3745–205–80, 3745–205–90, 3745–266–80, 3745–266–100, 3745–266–102, 3745–266–103, 3745–266–106, 3745–266–107, 3745–266–112, 3745–273–13.
223	Hazardous Waste Technical Corrections and Clarifications.	75 FR 31716	3745–50–10, 3745–50–49, 3745–266–22, 3745–266–80.
233A	Revisions to the Definition of Solid Waste	80 FR 1694 and 83 FR 24664.	3745–50–24, 3745–50–26, 3745–50–16.
233B	Revisions to the Definition of Solid Waste	80 FR 1694 and 83 FR 24664.	3745–50–10, 3745–50–17.
233C	Revisions to the Definition of Solid Waste	80 FR 1694	3745–51–01.
233D2	Revisions to the Definition of Solid Waste	80 FR 1694 and 83 FR 24664.	3745–50–10, 3745–50–15, 3745–50–23, 3745–51–51, 3745–51–140, 3745–51–142, 3745–51–143, 3745–51–147 (effective March 7, 2025), 3745–51–148, 3745–51–400, 3745–51–410, 3745–51–411, 3745–51–420, 3745–51.
233E	Revisions to the Definition of Solid Waste	80 FR 1694	2745–50–10, 3745–51–02, 3745–51–04, 3745–51–170, 3745–51–190, 3745–51–191, 3745–51–193, 3745–51–194, 3745–51–196, 3745–51–197, 3745–51–198, 3745–51–199, 3745–51–200, 3745–51–730, 3745–51–731, 3745–51–732, 3745–51–733, 3745–51–734, 3745–51–735, 3745–51–750, 3745–51–780, 3745–51–781, 3745–51–782, 3745–51–783 (effective March 7, 2025), 3745–51–786, 3745–51–789 (effective March 7, 2025).
237	Hazardous Waste Generator Improvements Rule ..	81 FR 85732	3745–50–10, 3745–50–11, 3745–51–01, 3745–51–04, 3745–51–06, 3745–51–420, 3745–54–01, 3745–54–15, 3745–55–70, 3745–65–01, 3745–65–15, 3745–205–30, 3745–205–50, 3745–256–30, 3745–256–50, 3745–266–80.
242	Universal Waste Regulations: Addition of Aerosol Cans.	84 FR 67202	3745–50–10, 3745–50–44, 3745–54–01, 3745–65–01, 2745–273–13, 3745–273–33.
243	Modernizing Ignitable Liquids Determinations	85 FR 40594	3745–50–11, 3745–51–21.

Ohio previously added “non-empty aerosol containers” to their universal waste program, authorized September 26, 2019 (84 FR 50766). Following the February 7, 2020 addition of aerosol cans to the Federal universal waste rules (84 FR 67202, December 9, 2019), EPA determined Ohio’s treatment of non-empty aerosol containers to be functionally equivalent to the Federal aerosol cans rule (84 FR 67206, December 9, 2019, see section III.F. of the preamble). In this application for authorization, Ohio has further harmonized its existing rules to match the Federal program by changing references to the State term “aerosol containers” to the Federal term “aerosol cans” and replacing aerosol-specific

references with provisions from the Federal universal waste standards. As such, EPA no longer considers Ohio’s treatment of aerosol cans to be broader-in-scope.

G. Which revised State rules are different from the Federal rules?

In Ohio Administrative Code 3745–50–10(10)(a), Ohio includes a parenthetical description of the word “permit” as “such as a permit to discharge water or air”. This differs from the Code of Federal Regulations which, in 40 CFR 260.10 “Contained”, adds the word “to”, using the phrase “such as a permit to discharge to water or air.” Despite being in the “definitions” section of the Code, this

parenthetical does not have an effect on the definition of “permit” and the retention of “such as” does not allow this change to affect the definition of “contained”. The EPA considers Ohio’s change to be identical in substance to the Federal program.

In Ohio Administrative Code 3745–51–100, Ohio sets financial assurance requirements specific to certain facilities that enter recyclable materials into a recycling process within seventy-two hours of arrival at the facility. There is no direct analogue of the 72-hour provision in the Code of Federal Regulations, but EPA compared the financial assurance requirements to the analogous Financial Requirements for Management of Excluded Hazardous

Secondary Materials at 40 CFR part 261 Subpart H.

In the submitted copy of Ohio Administrative Code 3745–51–147(G)(2)(b)(ii), a citation is made to the nonexistent rule 3745–51–151(H)(2), which EPA has deemed a mistake intended to cite 3745–51–151(G)(2). Since submission of the state's application for authorization, the state promulgated a correction to its rule, effective March 7, 2025, which removes this error. The EPA considers this typographical error to make Ohio's program no less stringent than the Federal program. Accordingly, with the proposed action, EPA is planning to authorize the corrected edition of Ohio's regulation, effective March 7, 2025, rather than the edition initially applied for.

In the submitted copy of Ohio Administrative Code 3745–51–147(F)(3)(c), Ohio requires a second copy of an independent certified public accountant's report rather than the special report intended to address discrepancies in the preceding two subparagraphs found in 40 CFR 261.147(f)(3)(iii). The EPA has deemed this to be a mistaken duplication of 3745–51–147(F)(3)(b). Since submission of the state's application for authorization, the state promulgated a correction to its rule, effective March 7, 2025, which removes this error. The EPA considers this typographical error to make Ohio's program no less stringent than the Federal program. Accordingly, with the proposed action, EPA is planning to authorize the corrected edition of Ohio's regulation, effective March 7, 2025, rather than the edition initially applied for.

In the submitted copy of Ohio Administrative Code 3745–51–783(C)(4), a citation is made to the nonexistent rule 3745–51–785, which EPA has deemed a mistake intended to cite 3745–51–784(B)(1)(a). Since submission of the state's application for authorization, the state promulgated a correction to its rule, effective March 7, 2025, which removes this error. The EPA considers this typographical error to make Ohio's program no less stringent than the Federal program. Accordingly, with this proposed action, EPA is planning to authorize the corrected edition of Ohio's regulation, effective March 7, 2025, rather than the edition initially applied for.

In the submitted copy of Ohio Administrative Code 3745–51–789(A), a citation is made to the nonexistent rule 3745–51–780(B)(7), which EPA has deemed a mistake intended to cite 3745–51–780. Since submission of the state's application for authorization, the

state promulgated a correction to its rule, effective March 7, 2025, which removes this error. The EPA considers this typographical error to make Ohio's program no less stringent than the Federal program. Accordingly, with this proposed action, EPA is planning to authorize the corrected edition of Ohio's regulation, effective March 7, 2025, rather than the edition initially applied for.

In Ohio Administrative Code 3745–65–73(9) through (15), Ohio requires certain interim status treatment, storage, and disposal facilities to include “the certification if applicable” in their operating records. This differs from the Code of Federal Regulations, which at 40 CFR 265.73(b)(9) through (15) require inclusion of “the certification and demonstration if applicable” in said facilities' operating records. As described at 61 FR 15588 (April 30, 2021), treatment standards for all scheduled wastes were promulgated in the Third Third rule (55 FR 22520, June 1, 1990); as such, the 40 CFR 268.8 “soft hammer” requirements are no longer necessary. Facilities no longer have a need to produce or retain demonstrations for this purpose, and so EPA considers Ohio's change to be identical in substance to the Federal program.

In Ohio Administrative Code 3745–66–43(D)(8)(b), Ohio requires closure insurance policies to remain in place at interim standards facilities after “a permit is revoked or terminated”. This differs from the Code of Federal Regulations, which at 40 CFR 265.143(d)(8)(ii) applies this to when “interim status is terminated or revoked”. Because interim status facilities do not, by definition, have permits that can be revoked, EPA deems this to be a copyediting error that does not change the overall meaning or intent of the paragraph. Should interim status be revoked from a facility, it should be considered equivalent to revocation of a permit. The EPA considers this typographical error to make Ohio's program no less stringent than the Federal program.

In Ohio Administrative Code 3745–205–33(L)(2)(b), Ohio requires treatment, storage, and disposal facilities with low-pressure closed-vent systems to perform inspections of said systems “once every calendar year”. This differs from the Code of Federal Regulations, which at 40 CFR 264.1033(l)(2)(ii) requires an inspection frequency of “once every year”. The EPA considers Ohio's change to be identical in substance to the Federal program.

In Ohio Administrative Code 3745–205–30(C), 3745–205–50(C), and 3745–205–80(C), Ohio requires the air emission standards to be incorporated into certain treatment, storage, and disposal facility permits when said permits are “modified or reissued” where 40 CFR 264.1030(c), 40 CFR 264.1050(c), and 40 CFR 264.1080(c), respectfully, use the term “reissued”. The EPA has received a satisfactory explanation from the Ohio Attorney General that these are identical in substance to the Federal program.

In Ohio Administrative Code 3745–256–84(C)(3)(b)(iv), Ohio incorporates by reference ASTM method “ASTM Method D2879–10”. This differs from the Code of Federal Regulations, which at 40 CFR 265.1084(c)(3)(ii)(D) incorporates “ASTM Method 2879–92”. Ohio's reference is to a more recently-adopted version of the same test method, so EPA considers Ohio's change to be identical in substance to the Federal program.

In Ohio Administrative Code 3745–256–7(H)(1), a citation is made to “method 27 of 40 CFR part 60 appendix”. This differs from the Code of Federal Regulations, which at 40 CFR 265.1087(h)(1) makes reference to “Method 27 of 40 CFR part 60, appendix A”. No other appendix of 40 CFR part 60 contains a Method 27, so the ambiguity in Ohio's reference is unlikely to cause confusion. The EPA considers this typographical error to make Ohio's program no less stringent than the Federal program.

H. Who handles permits after final authorization takes effect?

When the final authorization takes effect, Ohio will issue permits for all the provisions for which it is authorized and will administer the permits it issues. The EPA will continue to administer any RCRA hazardous waste permits or portions of permits which EPA issued prior to the effective date of the proposed authorization until they expire or are terminated. The EPA will not issue any more new permits or new portions of permits for the provisions listed in the table above, under section F of this document, after the effective date of the authorization. The EPA will continue to implement and issue permits for HSWA requirements for which Ohio is not yet authorized. The EPA has the authority to enforce state-issued permits after the State is authorized.

I. How does today's action affect Indian country (18 U.S.C. 1151) in Ohio?

Ohio is not authorized to carry out its hazardous waste program in Indian

country within the State, which includes:

- All lands within the exterior boundaries of Indian reservations within or abutting the State of Ohio;
- Any land held in trust by the U.S. for an Indian tribe; and
- Any other land, whether on or off an Indian reservation, that qualifies as Indian country.

Therefore, this action has no effect on Indian country. The EPA retains jurisdiction over Indian country and will continue to implement and administer the RCRA program on these lands.

J. What is codification and is EPA codifying Ohio's hazardous waste program as authorized in this rule?

Codification is the process of placing a state's statutes and regulations that comprise a state's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized state rules in 40 CFR part 272. The EPA is not proposing to codify the authorization of Ohio's changes at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart KK for the authorization of Ohio's program changes at a later date.

K. Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action proposes to authorize State requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by State law. Therefore, this action is not subject to review by OMB. This action is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because actions such as this proposed authorization of Ohio's revised hazardous waste program under RCRA are exempted under Executive Order 12866. Accordingly, I certify that this action 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.*). Because this action proposes to authorize pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate that significantly or uniquely affects small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the

communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to authorize State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This action is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), EPA grants a state's application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in proposing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of this action in accordance with the “Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). “Burden” is defined at 5 CFR 1320.3(b).

List of Subjects in 40 CFR Part 271

Environmental protection;
Administrative practice and procedure;

Confidential business information;
Hazardous materials transportation;
Hazardous waste; Indian lands;
Intergovernmental relations; Penalties;
Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: October 1, 2025.

Cheryl Newton,

Deputy Regional Administrator, Region 5.

[FR Doc. 2025–20129 Filed 11–17–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 25–911; MB Docket No. 25–298; FR ID 316223]

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Table of FM Allotments, by substituting Channel 277A for vacant Channel 221A at Hamilton, Alabama; Channel 261B1 for vacant Channel 261B at Coalinga, California; Channel 289A for vacant Channel 291A at Rocksprings, Texas; Channel 261A for vacant Channel 221A at Silverton, Texas; and Channel 281C2 for vacant Channel 260C2 at Spur, Texas. The existing vacant FM channels are not in compliance with the minimum distance separation requirements of the Federal Communications Commission (Commission) rules, and vacant Channel 261B at Coalinga is also not in compliance with the city-grade coverage requirements of the Commission's rules. *See Supplementary Information.*

DATES: Comments must be filed on or before November 21, 2025, and reply comments on or before December 8, 2025.

ADDRESSES: Secretary, Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2054, Rolanda-Faye.Smith@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 25–298, adopted September 30, 2025, and released September 30, 2025. The full text of the Commission decision is

available online at <https://www.fcc.gov/ecfs>. The full text of this decision can also be downloaded in Word or Portable Document Format (PDF) at <https://www.fcc.gov/edocs>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). The Commission will publish the required summary of this notice of proposed rulemaking on <https://www.fcc.gov/proposed-rulemakings>, pursuant to The Providing Accountability Through Transparency Act, *see* 5 U.S.C. 553(b)(4).

Channel 277A can be allotted to Hamilton, Alabama consistent with the minimum distance separation requirements of 47 CFR 73.207, provided there is a site restriction of 7 kilometers (4.4 miles) north of the community at reference coordinates 34–11–50 NL and 88–01–37 WL. Channel 261B1 can be allotted to Coalinga, California consistent with the minimum distance separation requirements of 47 CFR 73.207, without a site restriction at the community’s reference coordinates 36–8–23 NL and 120–21–37 WL. Channel 289A can be allotted to Rocksprings, Texas consistent with the minimum distance separation requirements of 47 CFR 73.207, provided there is a site restriction of 12.1 kilometers (7.5 miles) west of the community at reference coordinates 29–59–52 NL and 100–20–10 WL. Channel 261A can be allotted to Silverton, Texas consistent with the minimum distance separation requirements of 47 CFR 73.207, provided there is a site restriction of 11 kilometers (6.8 miles) northwest of the community at reference coordinates 34–33–34 NL and 101–21–13 WL. Channel 281C2 can be allotted to Spur, Texas consistent with the minimum distance separation requirements of 47 CFR 73.207, provided there is a site restriction of 22.5 kilometers (14 miles) east of the community at reference coordinates 33–26–51 NL and 100–36–59 WL.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a notice of proposed rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this

one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.202(b), amend table 1 (Table of FM Allotments) under Alabama by revising in alphabetical order an entry for “Hamilton”;

■ 3. In § 73.202(b), amend table 1 (Table of FM Allotments) under California by revising in alphabetical order an entry for “Coalinga”;

■ 4. In § 73.202(b), amend table 1 (Table of FM Allotments) under Texas in alphabetical order by:

■ a. Revising the entry for “Rocksprings”;

■ b. Revising the entry for “Silverton”; and

■ c. Adding the entry for “Spur”.

The revisions and addition read as follows:

§ 73.202 Table of Allotments.

* * * * *

(b) *Table of FM Allotments.*

TABLE 1 TO PARAGRAPH (b)
[U.S. States]

Channel No.				
*	*	*	*	*
Alabama				
*	*	*	*	*
Hamilton				277A
*	*	*	*	*
California				
*	*	*	*	*
Coalinga				261B1

TABLE 1 TO PARAGRAPH (b)—
Continued
[U.S. States]

Channel No.				
*	*	*	*	*
Texas				
*	*	*	*	*
Rocksprings				289A
*	*	*	*	*
Silverton				261A
*	*	*	*	*
Spur				281C2
*	*	*	*	*

[FR Doc. 2025–20229 Filed 11–17–25; 8:45 am]

BILLING CODE 6712–01–P

SURFACE TRANSPORTATION BOARD

49 CFR Parts 1241 and 1251

[Docket No. EP 787]

Updating Class I Rail Carrier Reporting Requirements; Extension of Comment Period

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The Board provides notice that comments in this docket will now be due no later than November 24, 2025, and replies in this docket will be due no later than December 8, 2025.

DATES: The comment period for the proposed rule published September 30, 2025, at 90 FR 46779, is extended. Comments should be received by November 24, 2025, and replies will be due by December 8, 2025.

FOR FURTHER INFORMATION CONTACT: Amanda Gorski, (202) 915–8453. If you require accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: In a notice of proposed rulemaking (NPRM) served and published on September 30, 2025 (90 FR 46779), the Board proposed to terminate Class I carriers’ supplemental reporting of certain Positive Train Control expenditures and to require Class I carriers to report two service metrics on a weekly basis. *Updating Class I Rail Carrier Reporting Requirements*, EP 787, slip op. at 1 (STB served Sept. 30, 2025).

In the NPRM, the Board directed comments to be submitted by October

30, 2025, and replies to be submitted by November 13, 2025. During the shutdown of the federal government from October 1, 2025, through November 12, 2025, all deadlines requiring the submission of materials to the Board, including the deadlines in this proceeding, were tolled. *See Materials Due To Be Submitted During the Fed. Gov't Shutdown*, EP 751, slip op. at 1 (STB served Oct. 1, 2025).

Comments on the NPRM will now be due by November 24, 2025, and replies will be due by December 8, 2025.

Decided: November 14, 2025.

By the Board, Scott M. Zimmerman, Acting Chief Counsel, Office of Chief Counsel.

Brendetta Jones,
Clearance Clerk.

[FR Doc. 2025–20225 Filed 11–17–25; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2025–0771;
FXES1111090FEDR–256–FF09E21000]

Endangered and Threatened Wildlife and Plants; 12-Month Not-Warranted Finding for the Okinawa Woodpecker

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notification of finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition to list the Okinawa woodpecker (*Dendrocopos noguchii*) as an endangered or threatened species under the Endangered Species Act of 1973, as amended (Act). The Okinawa woodpecker is a relatively large woodpecker endemic to northern Okinawa, Japan. After a thorough review of the best scientific and commercial data available, we find that listing the Okinawa woodpecker as an endangered, or threatened, species is not warranted at this time. However, we ask the public to submit to us, at any time, any new information relevant to the status of the Okinawa woodpecker, or its habitat.

DATES: The finding in this document was made on November 18, 2025.

ADDRESSES: A detailed description of the basis for this finding is available on the internet at <https://www.regulations.gov> under Docket No. FWS–HQ–ES–2025–0771. Please submit any new information, materials, comments, or questions concerning this

finding to the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT:

Rachel London, Manager, Branch of Delisting and Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service, MS: ES, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone: 703–358–2171.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

Under section 4(b)(3)(B) of the Act (16 U.S.C. 1531 *et seq.*), when we receive any petition that we have determined contains substantial scientific or commercial information then we must decide, within 12 months, if the petitioned action is warranted or not (12-month finding). We must make a finding that the petitioned action is: (1) not warranted; (2) warranted; or (3) warranted but precluded by other listing activity. We must publish a notification of the 12-month finding in the **Federal Register**.

Summary of Information Pertaining to the Five Factors

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations at part 424 of title 50 of the Code of Federal Regulations (50 CFR part 424) set forth the procedures for: (1) adding species to, (2) removing species from, or (3) reclassifying species on the Lists of Endangered and Threatened Wildlife and Plants (Lists). The Act defines “species” as including any subspecies of fish, wildlife, or plants and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature. The Act defines an “endangered species” as a species that is in danger of extinction throughout all, or a significant portion, of its range and a “threatened species” as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species’ continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term “threat” to refer, in general, to actions or conditions that are known to, or are reasonably likely to, negatively affect individuals of a species. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining whether a species meets either definition, we must evaluate all identified threats by considering the species’ expected response to the threats, the effects of the threats, and any actions and conditions that will ameliorate the threats at an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all the threats on the species as a whole. We also consider the cumulative effect of the threats along with those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species.

The Act does not define the term “foreseeable future,” which appears in the statutory definition of “threatened species.” Our implementing regulations under 50 CFR, section 424.11(d) set forth a framework for evaluating the “foreseeable future” as a case-by-case basis. This term is further described in

the 2009 Memorandum Opinion on the foreseeable future from the Department of the Interior, Office of the Solicitor (M–37021, January 16, 2009; “M–Opinion,” available online at <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37021.pdf>). The foreseeable future extends as far into the future as the Service can make reasonably reliable predictions about the threats to the species and the species’ responses to those threats. We need not identify the foreseeable future in terms of a specific period of time. We will describe the foreseeable future on a case-by-case basis, using the best available data and taking into account considerations such as the species’ life-history characteristics, threat projection timeframes, and environmental variability. In other words, the foreseeable future is the period of time over which we can make reasonably reliable predictions. “Reliable” does not mean “certain”; it means sufficient to provide a reasonable degree of confidence in the prediction, in light of the conservation purposes of the Act.

In conducting our evaluation of the five factors provided in section 4(a)(1) of the Act to determine whether the Okinawa woodpecker meets the Act’s definition of an endangered species or a threatened species, we considered and thoroughly evaluated the best scientific and commercial information available regarding the past, present, and future stressors and threats. We reviewed the petition, candidate notice of review, information available in our files, and other available published and unpublished information for the species. Our evaluation may include information from recognized experts; Federal, State, and Tribal governments; academic institutions; foreign governments; private entities; and other members of the public.

In accordance with the regulations under 50 CFR, section 424.14(h)(2)(i), this document announces the not-warranted finding on a petition to list the Okinawa woodpecker. We have also elected to include a brief summary of the analysis on which this finding is based. We provide the full analysis, including the reasons and data on which the finding is based, in the decisional file for the Okinawa woodpecker. The following is a description of the documents containing this analysis.

The species assessment form for the Okinawa woodpecker contains more detailed biological information, a thorough analysis of the listing factors, a list of literature cited, and an explanation of why we determined that

the species does not meet the Act’s definition of an endangered species or a threatened species. To inform our status review, we completed a species status assessment (SSA) report for the species. The SSA report contains a thorough review of the taxonomy, life history, ecology, current status, and projected future status for the Okinawa woodpecker. This supporting information can be found on the internet at <https://www.regulations.gov> under the Docket No. FWS–HQ–ES–2025–0771.

Previous Federal Actions

On November 28, 1980, we received a petition from the International Council for Bird Preservation to list 79 bird species as endangered or threatened species under the Act. The International Council for Bird Preservation was renamed Birdlife International in 1994. On May 12, 1981, we published in the **Federal Register** (46 FR 26464) a 90-day finding in which we announced that the petition contained substantial information indicating that listing may be warranted for 77 of the 79 bird species, including the Okinawa woodpecker. At the time of the petition, the Okinawa woodpecker was classified as *Sapheopipo noguchii*. However, we recognized the Okinawa woodpecker in the genus *Dendrocopos* in 2009 and recognize the species as *Dendrocopos noguchii* and treat *Sapheopipo noguchii* as a synonym (74 FR 40540, August 12, 2009).

Prior to the present action, the Okinawa woodpecker has been a candidate species (warranted but precluded) since May 21, 2004 (69 FR 29353), most recently with a listing priority number of 8 (88 FR 41560), meaning that the species has imminent and moderate to low magnitude of threats. From 2007 through 2023, we addressed the status of the Okinawa woodpecker in our candidate notice of review (CNOR), with the determination that listing was warranted but precluded (see 72 FR 20184, April 23, 2007; 73 FR 44062, July 29, 2008; 74 FR 40540, August 12, 2009; 76 FR 25150, May 3, 2011; 78 FR 24604, April 25, 2013; 81 FR 71457, October 17, 2016; 84 FR 54732, October 10, 2019; 86 FR 43470, August 9, 2021; 87 FR 26152, May 3, 2022; 88 FR 41560, June 27, 2023).

Summary of Finding

The Okinawa woodpecker is a relatively large woodpecker (31–35 centimeters (cm); 12–14 inches (in)) in length). The species is generally dark brown with red tips on all feathers and white spots on the primary feathers (Bird Life International (BLI) 2024, p. 1).

Males are brighter than females, with a deep-red crown and nape (Brazil 2014, p. 284). Immature birds are grayer, duller, and less red than adults (Short 1982, p. 511; Brazil 2014, p. 284). The nesting season for the Okinawa woodpecker begins in April and runs through June, with pair formation in late winter (Kotaka et al. 2021, p. 193; Short 1982, p. 512; Short 1973, p. 12). Egg laying takes place from late February to May, typically in March and April (del Hoyo 2002, p. 550).

The species is endemic to Okinawa, Japan, and currently only occurs in the northern part of the island although it was reported to occur further south prior to World War Two and as far south as Nago City until the 1980s (Ministry of the Environment (MOE) 2008, unpaginated; Kotaka 2025, pers. comm.). The northern section is generally known as the Yambaru (or Yanbaru), and it can be considered the three villages of Kunigami, Higashi, and Ogimi in the northernmost part of Okinawa Island (Yagihashi et al. 2021, p. 2251; Govt of Japan 2019, p. 34). Several forested peaks run from north to south along the central mountain ridge in northern Okinawa, and the Okinawa woodpecker primarily occurs between Mount Nishimedake and Mount Iyudake (BLI 2024, p. 2; Gorman 2014, p. 257).

The climax community of Yambaru is a subtropical, evergreen, broad-leaved forest dominated by oaks, with a dense undergrowth of broad-leaved small trees, herbs, and ferns (Azuma et al. 1997, p. 156). The Okinawa woodpecker mainly nests in mature and undisturbed subtropical evergreen broadleaf forests on mountaintops with trees that are at least 30 years old and greater than 20 cm (7.9 in) in diameter (Gorman 2014, p. 257; del Hoyo 2002, p. 550; Short 1982, p. 511). The Yambaru forest is relatively young; however, pine trees are present in its secondary forest, and the Okinawa woodpecker will use pine trees as a nesting substrate if they are large enough and suitable for nesting, but only when the trees are standing dead. Furthermore, Okinawa woodpecker will use younger forests that may contain dead trees in which exotic pest species cause die offs and cavity formations in trees. These trees are an ephemeral source that the Okinawa woodpecker has adapted to use. The availability of nest trees is a critical reproductive requirement for woodpeckers (Winkler and Christie 2010, cited in Kotaka et al. 2021, p. 193).

The Okinawa woodpecker feeds on large arthropods, notably beetle larvae, spiders, moths, and centipedes, as well as fruit, berries, seeds, acorns, and other

nuts (del Hoyo 2002, pp. 549–550; Short 1982, p. 511). The foraging sites of the species indicate its dependence on mature, undisturbed forest with large dead or dying trees, accumulated fallen trees, rotting stumps, debris, and understory growth (Brazil 1991, p. 192; Short 1982, p. 511). The sexes show significant differences in their foraging niche (Kotaka et al. 2006, p. 196). Males commonly forage on the ground, sweeping away leaf litter and probing for soil-dwelling arthropods and females almost never touch soil arthropods like other species of the genus *Dendrocopos* (Kotaka et al. 2006, p. 196).

For populations to be resilient, the species needs healthy populations (stable to increasing abundance) occupying habitats that support key resource functions (breeding, feeding, and sheltering), sufficient distribution of populations in northern Okinawa, and that maintain connectivity and dispersal (species vagility or ability to move) between suitable habitat at sufficient levels to ensure healthy gene flow among populations.

Most forested areas in northern Okinawa are protected such that the vast majority of the species' range is within formally protected forested areas or within the Jungle Warfare Training Center (JWTC) where conservation measures are in place for the species. Most of northern Okinawa is designated as Yambaru National Park or is within a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site. Additionally, the Okinawa woodpecker is listed under Japan's Act on Conservation of Endangered Species of Wild Fauna and Flora (MOE 2020, unpaginated). The species is also designated as a National Natural Monument under the Law for the Protection of Cultural Properties (Law No. 7). These laws require review and mitigation procedures to assess potential impacts on known cultural assets. The Okinawa woodpecker is also included in the U.S. Marine Corps' Integrated Natural and Cultural Resources Management Plan that provides measures to avoid and minimize impacts of their activities to the species (DOD 2019, p. 44). These efforts to avoid and minimize impacts appear to be successful, as even with the ongoing activities to construct helipads at the JWTC in recent years, the Okinawa woodpecker population has stabilized and is likely increasing.

Recognition of the invasive Indian mongoose's (*Herpestes auropunctatus*) impact only became widespread after systematic control efforts began in the 2000s (Kotaka 2025, pers. comm.). Thus, concerted efforts to eradicate the

mongoose from northern Okinawa are ongoing and proven beneficial for woodpecker conservation (MOE 2014, entire). In 2005, the Ministry of the Environment and Okinawa Prefecture began working together to implement a control project in response to the designation of mongooses as a specified alien species (MOE 2024, unpaginated). An eradication plan for the mongoose has been effective and has benefited the Okinawa woodpecker, resulting in an increase in the Okinawa woodpecker population. Eradication of mongoose from northern Okinawa is anticipated by 2027, although eradication is difficult, and efforts may be extended beyond 2027. However, there is a clear commitment to eradicate mongoose from northern Okinawa. Additionally, feral cats (*Felis catus*) are a growing concern in Okinawa. Control programs for feral cats have proven complex and less successful. There is an action plan in the three northern villages (Kunigami, Ogimi, and Higashi) and Okinawa Prefecture to address feral cats that is being strengthened, and management is gradually progressing. Even though the eradication effort for feral cats is less successful than mongoose eradication efforts, the Okinawa woodpecker population has stabilized and is likely increasing.

We have carefully assessed the best scientific and commercial data available regarding the past, present, and future threats to the Okinawa woodpecker, and we evaluated all relevant factors under the five listing factors, including any regulatory mechanisms and conservation measures addressing these threats. Since the development of our 2023 CNOR, we have new information that the species' habitat has continued to improve and recovered to the basic features of a climax community and is no longer severely fragmented. Additionally, nonnative species management has proven effective and reduced the magnitude of threat of mongoose and feral cats to the Okinawa woodpecker. Eradication is difficult; however, management plans have a clear commitment to eradicating nonnative predators in northern Okinawa for the benefit of native species, including the Okinawa woodpecker. Considering this new information regarding reduced threats to the Okinawa woodpecker, we developed a more informed picture of the current and future conditions of the species than had been available for the 2023 CNOR.

The primary threats affecting the Okinawa woodpecker's biological status now and in the foreseeable future include nonnative invasive predators

(mongoose and feral cats); habitat loss, degradation, and fragmentation; and shifting forest composition and tree diversity related to effects from climate change.

After evaluating threats to the species and assessing the cumulative effect of the threats under the section 4(a)(1) factors, our analysis indicates these threats are not currently affecting populations and thus do not pose an imminent threat to the species. The Okinawa woodpecker populations are distributed in northern Okinawa within the known range of the species. As a narrow endemic, this species' range is restricted; thus, catastrophes pose an inherent risk to the species. However, threats are not of a magnitude to have large impacts on the species. We anticipate increases in the magnitude and frequency of typhoons. However, evergreen forests in northern Okinawa have high stability, the Okinawa woodpecker has adapted to use non-traditional resources for nesting and has a diverse diet, and wildlife in this region have adapted to frequent typhoons and heavy rains over a long period of time. Therefore, the number and distribution of sufficiently resilient populations are likely to continue to enable the species to withstand catastrophic events.

The adaptive capacity evaluation suggests that the species' current representation, while naturally low because it is a narrow endemic, has not been diminished. The mountaintop areas contain similar evergreen broadleaf forest habitat that the species needs for breeding, feeding, and sheltering. Okinawa woodpeckers can persist in place because the condition of the forest has steadily improved over the last three decades. The species can also shift in space because it has high vagility and can disperse within its narrow range through flight to mountaintop areas in northern Okinawa. Connectivity between mountaintop areas has increased because the habitat condition has significantly improved and is no longer severely fragmented. The current condition analysis indicates that the "3Rs"—resiliency, representation, and redundancy—are sufficient to support the overall viability of the species. Thus, after assessing the best available information, we conclude that the Okinawa woodpecker is not in danger of extinction throughout all of its range.

Our analyses use projections over the next three decades into the future and indicate that conditions are not expected to decline to a level where the species' viability is impacted. Efforts to eradicate nonnative predators have been

highly successful and eradication of mongoose from northern Okinawa is anticipated by 2027, although efforts may be extended beyond 2027 with clear commitment to eradicate the mongoose from northern Okinawa. The vast majority of the species' habitat is protected in Yambaru National Park, a UNESCO World Heritage site, as well as the U.S. Marine Corps at the JWTC. These designated land uses are unlikely to change in the future. Additionally, the Okinawa woodpecker is a protected species in Okinawa and formal protection of the species and its habitat in Okinawa are likely to continue. Effects of climate change are not expected to pose increased risks in the future due to the species' resiliency and adaptability, and environmental conditions are expected to continue to meet life history requirements. Thus, in a foreseeable future of up to 30 years, we can make reasonable predictions that the Okinawa woodpecker will not be affected significantly by the threat of nonnative invasive predators; habitat loss, degradation, and fragmentation; or effects of climate change.

Given the species' current condition, substantially reduced threats, and formal protection of the species and the vast majority of its range, no reductions in resilience, redundancy, or representation are anticipated, and viability is expected to be maintained into the foreseeable future. Overall, the species is likely to maintain a small but healthy population into the future. Redundancy on mountaintops in northern Okinawa combined with the species' resiliency and ability to adapt to ongoing threats by utilizing diverse nesting sites and food resources supports the species viability into the future in the face of ongoing threats. After assessing the best scientific and commercial data available, we conclude that the Okinawa woodpecker is not likely to become endangered within the foreseeable future throughout all its range.

For the Okinawa woodpecker, we considered whether the threats or their effects on the species are greater in any portion of the species' range than in other portions such that the species is in danger of extinction now or likely to become so within the foreseeable future in that portion. The Okinawa woodpecker functions as a single

population that occurs on several mountaintop areas along the central ridgeline in northern Okinawa. There is minimal information describing population units, subpopulations, or any other information to distinguish analysis units in northern Okinawa. The threats of habitat loss, degradation, and fragmentation; nonnative invasive species; and shifting forest composition and tree diversity related to effects from climate change affect the species such that it has similar extinction risk throughout its entire range. We determined that within the narrow range of the species, these threats are not posing an imminent threat to the species anywhere within the current range and there are no portions of the range in which the magnitude of threats is greater or exposure to threats differs. The population has sufficient resiliency in the near term and is distributed such that the species is at low risk from catastrophic events such as typhoons. Therefore, we found no portion of the Okinawa woodpecker's range where the biological condition of the species differs from its condition elsewhere in its range such that the status of the species in that portion differs from its status in any other portion of the species' range. As a result of our finding that the Okinawa woodpecker is not in danger of extinction or likely to become so within the foreseeable future throughout any portion of its range, we do not need to determine whether any portion of its range is "significant." Therefore, no portion of the species' range provides a basis for determining that the species is in danger of extinction or likely to become so within the foreseeable future throughout a significant portion of its range.

After assessing the best available information, we concluded that the Okinawa woodpecker is not in danger of extinction or likely to become in danger of extinction within the foreseeable future throughout all its range or in any significant portion of its range. Therefore, we find that listing the Okinawa woodpecker as an endangered species or threatened species under the Act is not warranted. A detailed discussion of the basis for this finding can be found in the Okinawa woodpecker species assessment form, SSA report, and other supporting documents on <https://>

www.regulations.gov under Docket No. FWS-HQ-ES-2025-0771 (see **ADDRESSES**, above).

Peer Review

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review in listing actions under the Act, we solicited independent scientific reviews of the information contained in the Okinawa woodpecker SSA report from three experts and received peer review from one independent peer reviewer. Results of this structured peer review process can be found at <https://www.regulations.gov> under Docket No. FWS-HQ-ES-2025-0771. We incorporated the results of this review, as appropriate, into the SSA report, which is the foundation for this finding.

New Information

We request that you submit any new information concerning the taxonomy of, biology of, ecology of, status of, or stressors to the Okinawa woodpecker to the person specified above under **FOR FURTHER INFORMATION CONTACT**, whenever it becomes available. New information will help us monitor the species and make appropriate decisions about its conservation and status. We encourage local agencies and stakeholders to continue cooperative monitoring and conservation efforts.

References

A complete list of the references used in this petition finding is available in the species assessment form, which is available on the internet at <https://www.regulations.gov> under Docket No. FWS-HQ-ES-2025-0771 (see **ADDRESSES**, above) and upon request from the headquarters office (see **FOR FURTHER INFORMATION CONTACT**, above).

Authority

The authority for this action is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Brian Nesvik,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2025-20154 Filed 11-17-25; 8:45 am]

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Notices

Federal Register

Vol. 90, No. 220

Tuesday, November 18, 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

Agricultural Marketing Service

[Doc. No. AMS-FGIS-25-0155]

United States Standards for Rice

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice; request for comments.

SUMMARY: USDA's Agricultural Marketing Service (AMS) is seeking public comment on whether the United States Standards for Rough Rice, Brown Rice for Processing, and Milled Rice should be opened for comments and suggestions for revisions. The Rice Standards were last opened for comment in 2015. Since then, rice production, quality assessment methods, and consumer preferences may have changed.

DATES: Submit comments on or before January 20, 2026.

ADDRESSES: Interested persons are invited to submit comments electronically through the Federal e-rulemaking portal at <http://www.regulations.gov>. Comments may also be submitted by mail to Jacob Thein, USDA, AMS, 10383 N Ambassador Drive, Kansas City, MO 64153. All comments should reference document number AMS-FGIS-25-0155, the date of submission, and the page number of this issue of the **Federal Register**. Instructions for submitting and reading comments online are detailed on the site. All comments received will be posted to [regulations.gov](http://www.regulations.gov) without change, including any personal information provided, and will be made available for public inspection at the above physical address during regular business hours.

FOR FURTHER INFORMATION CONTACT: Jacob Thein, USDA AMS; telephone: (816) 702-3923; email: Jacob.D.Thein@usda.gov.

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946, 7 U.S.C. 1622(c), directs and authorizes the Secretary of Agriculture "to develop and improve standards of quality, condition, quantity, grade, and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices." AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities. The United States Standards for Rough Rice, Brown Rice for Processing, and Milled Rice (Rice Standards) appear in the Code of Federal Regulations in §§ 868.201 through 868.316 of title 7.

Background

Official USDA grade standards and associated voluntary, fee-for-service grading programs are authorized under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621, *et seq.*). The primary purpose of USDA grade standards, including the Rice Standards, is to divide the population of a commodity into uniform groups (of similar quality, value, etc.) to facilitate marketing. In concert, the Federal voluntary, fee-for-service grading programs are designed to provide an independent, objective determination as to whether a given product is in conformance with the applicable USDA grade standard. USDA quality grades provide a simple, effective means of describing product that is easily understood by both buyers and sellers.

The Rice Standards were first developed in 1927, and periodic revisions were made to reflect industry improvements or changes in the marketplace. The current Rice Standards were last updated in 2009 to move information previously provided on the grade line of the official certificate for Mixed rice to the "Results" section of the inspection certificate (74 FR 55441). Prior to that, the last substantial revisions occurred in 2002 with the addition of a new milling degree, *i.e.*, "hard milled," to the existing milling requirements and the elimination of the reference to "lightly milled" from the milling requirements (67 FR 61249 and 67 FR 62313).

Request for Comments

AMS is soliciting comments including data, recommendations, and other information from stakeholders about

potential changes to the U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice. Comments may include any current and/or ongoing research or industry practice that has relevance to the Rice Standards. AMS also invites comments about how those changes would be implemented in the Federal voluntary, fee-for-service grading programs.

After reviewing the recommendations and information submitted in response to this notice, AMS will determine if it will propose official changes to the standards. If changes are proposed, a proposed rule with the updated Rice Standards will be published in the **Federal Register** for public comment period. Any comments outside the scope of this request for comments will not be considered. Commenters are encouraged to support their views with data and other information.

AMS invites responses to the following questions:

1. Should rough rice, brown rice, and milled rice that has an "Aromatic" odor be considered to have a commercially objectionable foreign odor (COFO) since the aroma is not found in more traditional varieties of rice?

Refer to the Rice Inspection Handbook (<https://www.ams.usda.gov/publications/content/fgis-pdf-handbooks>), sections 3.3, 4.3, 5.3 (Special Grades and Special Grade Requirements); sections 3.15, 4.15, 5.15 (Odor); and sections 3.35, 4.36, 5.39 (Aromatic Milled Rice).

2. Are the Sample Grade moisture limits for Brown rice (14.5 percent) and Milled rice (15.0 percent) acceptable as currently provided in the handbook?

Refer to the Rice Inspection Handbook, sections 4.2 and 5.2 (Grades and Grade Requirements), and sections 4.12 and 5.12 (Moisture).

3. Should the grading criteria for broken kernels removed by the 5 plate, the 6 plate, and the 6 sieve be removed from table 5.1 (Grades and Grade Requirements for Milled Rice: Long Grain, Medium Grain, Short Grain, and Mixed Milled Rice)?

Refer to the Rice Inspection Handbook, table 5.1 (Grades and Grade Requirements for Milled Rice: Long Grain, Medium Grain, Short Grain, and Mixed Milled Rice) and section 5.30 (Broken Kernels Removed by a 5 & 6 Plate or Through a 6 Sieve).

4. Should Paddy Kernels be inspected as a count only, a percentage only, or be

left as currently provided in the handbook for Brown Rice for Processing?

Refer to the Rice Inspection Handbook, section 4.2 (Grades and Grade Requirements), section 4.22 (Paddy Kernels), section 5.2 (Grades and Grade Requirements), section 5.23 (Paddy Kernels), and section 5.24 (Seeds).

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2025–20217 Filed 11–17–25; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–SC–25–0057]

United States Standards for Grades of Orange Juice

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final notice.

SUMMARY: The Agricultural Marketing Service (AMS) is revising the U.S. Standards for Grades of Orange Juice (U.S. OJ Standards). This Interim Final Notice (IFN) revises the limits for Grade B Brix allowances in Pasteurized Orange Juice (POJ) under the U.S. OJ Standards to reference the Food and Drug Administration's (FDA) Standard of Identity (SOI) for POJ.

DATES:

Effective date: This notice is effective November 18, 2025.

Comment date: To be considered, written comments on this interim final notice must be received on or before January 20, 2026.

ADDRESSES: Interested persons are invited to submit written comments to the USDA, Specialty Crops Inspection Division, 100 Riverside Parkway, Suite 101, Fredericksburg, VA 22406; fax: (540) 361–1199; or, at <https://www.regulations.gov>. Comments should reference the date and page number of this issue of the **Federal Register**. Comments will be posted without change, including any personal information provided. All comments received within the comment period will become part of the public record maintained by the Agency and will be made available to the public via <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Dana N. White at the address above, by phone (202) 720–5021; fax (540) 361–1199; or email to Dana.White@usda.gov.

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs, and authorizes the Secretary of Agriculture “to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.”

AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and distributes copies of official standards available upon request. The U.S. Standards for Grades of Fruits and Vegetables that no longer appear in the Code of Federal Regulations are maintained by AMS at: <http://www.ams.usda.gov/grades-standards>. AMS is revising the U.S. OJ Standards using the procedures provided for in part 36 of title 7 of the Code of Federal Regulations (7 CFR part 36). After consideration of the public comments to this IFN, AMS will either conclude that the IFN revisions, as provided for or with minor modifications, should be adopted and publish a description of the changes or actions in a final notice, or if AMS determines the IFN revisions are not warranted, or otherwise are not in the public interest, the agency will either publish in the **Federal Register** a notice withdrawing the IFN, or will revise the IFN and again seek public input.

Background

AMS is revising the U.S. OJ Standards at § 52.1557 Requirements for Grades, Table VII—Pasteurized Orange Juice. Specifically, this IFN will remove the existing Brix minimums for Grade B unsweetened and sweetened POJ and insert a reference to the FDA's SOI regulations for POJ at 21 CFR 146.140(a).

Historically, to maintain consistency in the domestic orange juice industry, AMS has based its Brix allowances for POJ under the U.S. OJ Standards on the FDA's SOI for POJ. Accordingly, USDA's current minimum requirements for Grade B Brix allowances in POJ under the U.S. OJ Standards, are based on the FDA's current SOI requirements. Therefore, for industry consistency, any changes to the FDA's SOI Brix minimum requirements would result in corresponding changes to the U.S. OJ Standards. Additionally, some state regulations, including Florida—the second largest orange juice producer in the United States—require that Florida orange juice meet the U.S. OJ Standards. Generally, the domestic orange juice industry relies on the U.S. OJ Standards

for contract requirements related to acceptable POJ standards.

On August 16, 2023, in response to a petition from the Florida Citrus Processors Association and Florida Citrus Mutual, the FDA issued a request for information seeking comment on potentially amending the SOI for POJ by reducing the minimum soluble solids content (*i.e.*, sugar content) from 10.5° to 10° Brix (88 FR 55607). The Florida industry requested this change as they struggle to meet the current requirement due to the devastating effects of citrus greening disease (infected trees produce a lower Brix level). FDA has published a proposed rule that would amend the SOI for POJ by lowering the minimum orange juice soluble solids content from 10.5° to 10° Brix (90 FR 37817). Should FDA finalize its proposed amendment to the SOI for POJ, USDA would need to amend its U.S. OJ Standards accordingly. However, if the USDA changes are not made concurrently with the FDA's changes, Florida producers would be bound by a higher Brix level under the U.S. OJ Standards and not realize the relief granted by FDA's reduced Brix minimums. This inconsistency would likely cause significant disruption to producers, undue economic hardship, and negative impacts on commerce.

Accordingly, this revision to the U.S. OJ Standards, effective immediately, would remove the specific Brix allowances for Grade B POJ, and instead, would incorporate the FDA's POJ SOI regulation to ensure USDA and FDA's Brix allowances for POJ remain consistent. This alignment of the U.S. OJ Standards with FDA's SOI will prevent any future discrepancy between the agencies' respective brix minimums for POJ.

While the revisions to the U.S. standard for POJ will be effective immediately upon publication of this IFN, there will be a 60-day comment period for interested parties to submit comments to the agency on the revisions. After consideration of the public comments, AMS will either conclude that the IFN revisions to the U.S. OJ Standards, as provided for in this IFN or with minor modifications, should become affirmed and publish a description of the minor changes, if any, through a final notice, or if AMS determines the IFN revisions are not warranted, or otherwise are not in the public interest, the agency will either publish in the **Federal Register** a notice withdrawing the IFN, or will revise the IFN and again seek public input.

The agency finds that it is unnecessary to first seek notice and comment on these revisions prior to

making the revisions effective immediately. The revisions are non-controversial and well-supported by industry; they are unlikely to solicit any adverse comments. Further, by allowing for a 60-day comment period prior to finalizing the revisions through a final notice, the delay is likely to cause disruption to the orange juice industry. While the FDA's proposed rulemaking is not final, the FDA has enforcement discretion for its SOIs related to POJ and may exercise such discretion before its rulemaking related to POJ Brix minimums is finalized. Therefore, if USDA does not immediately revise its POJ standards, the orange juice industry may not realize the relief granted by FDA's proposed reduced Brix minimums should FDA exercise its enforcement discretion until after the USDA's 60-day comment period and issuance of a final notice (7 CFR 36.3). For these reasons, USDA is issuing this IFN.

Therefore, AMS is making the following changes:

- § 52.1557 Requirements for Grades, Table VII—Pasteurized Orange Juice: AMS will remove the corresponding minimum Brix values for U.S. Grade B unsweetened and sweetened pasteurized orange juice (10.5 and 10.5) and insert a footnote designated as "Footnote 4." Footnote 4 will read, "See values set forth in 21 CFR 146.140(a)."

Erin Morris.

Administrator, Agricultural Marketing Service.

[FR Doc. 2025–20222 Filed 11–17–25; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2025–0145]

Notice of Request To Reinstate a Previously Approved Information Collection: Overtime and Holiday Inspection Fees for Small and Very Small Establishments

AGENCY: Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, FSIS is announcing its intention to request reinstatement of the previously approved information collection regarding overtime and

holiday inspection fees for small and very small establishments. FSIS intends to use \$20 million in de-obligated funds from the Meat and Poultry Expansion Program to temporarily reduce overtime and holiday inspection fees for small and very small official meat, poultry, and egg products establishments. There are no changes to the information collection. The previous approval for this information collection expired on November 30, 2024.

DATES: Submit comments on or before January 20, 2026.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to <https://www.regulations.gov>. Follow the on-line instructions at that site for submitting comments.

- *Mail:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250–3700.

- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW, Jamie L. Whitten Building, Room 350–E, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2025–0145. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <https://www.regulations.gov>.

Docket: For access to background documents or comments received, call (202) 286–2255 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; 202–720–5046.

SUPPLEMENTARY INFORMATION:

Title: Overtime and Holiday Inspection Fees for Small and Very Small Establishments.

OMB Number: 0583–0185.

Type of Request: Reinstatement of a previously approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified 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, poultry, and egg products are safe, wholesome, and properly labeled.

FSIS is requesting reinstatement of the previously approved information collection regarding the reduction of overtime and holiday inspection fees for small and very small establishments. FSIS intends to use \$20 million in de-obligated funds from the Meat and Poultry Expansion Program to temporarily reduce these fees for small and very small official meat, poultry, and egg products establishments. There are no changes to the previously approved information collection. The previous approval for this information collection expired on November 30, 2024.

FSIS previously implemented a similar fee reduction initiative and is now seeking to resume providing for reduced overtime and holiday fees for small and very small establishments.¹ Reinstating this information collection will allow FSIS to implement fee reductions again. FSIS will collect information on the reinstated FSIS Form 5200–16, Overtime/Holiday Rate Reduction Form, to determine whether an establishment inspected by FSIS qualifies for an overtime and holiday inspection fee reduction, and, if so, the amount. Establishments must submit the reinstated form to receive the fee reductions.

The purpose of the form is to determine whether an establishment qualifies as small or very small and is therefore eligible for the fee reduction. FSIS does not currently have complete data on establishment size, average annual sales, and ownership structure. The form will allow the agency to identify whether an establishment is a subsidiary, affiliate, or part of a larger business entity that would make it ineligible for funding. It also serves as an attestation that the information provided is accurate and complete.

Completion of the form is optional. Establishments that do not use overtime or holiday inspection services, or that are not interested in receiving a fee reduction, are not required to submit it. However, small and very small official

¹ https://www.fsis.usda.gov/sites/default/files/media_file/2021-07/FSIS-2021-0014_0.pdf.

establishments that wish to request a fee reduction must complete the form to receive the benefit.

FSIS will provide more information on how to apply for the reduction in a future **Federal Register** notice.

FSIS has made the following estimates based upon an information collection assessment:

Estimate of burden: The public reporting burden for this collection of information is estimated to average 10 minutes per response.

Estimated total number of respondents: 3,944.

Estimated number of responses per respondent: 1–2.

Estimated annual number of responses: 3,944.

Estimated initial annual burden on respondents: 724 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; 202–720–5046.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of FSIS' functions, including whether the information will have practical utility; (b) the accuracy of FSIS' estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20253.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: <https://www.fsis.usda.gov/federal-register>.

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS

Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service that provides automatic and customized access to selected food safety news and information. This service is available at: <https://www.fsis.usda.gov/subscribe>. The available information ranges from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

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To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400

Independence Avenue SW, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: program.intake@usda.gov.

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Justin Ransom,

Administrator.

[FR Doc. 2025–20060 Filed 11–17–25; 8:45 am]

BILLING CODE 3410–DM–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Colorado Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Colorado Advisory Committee to the Commission will hold a public meeting via Zoom. The purpose of the meeting is to debrief testimony and provide project updates.

DATES: Wednesday, November 19, 2025; 3:00 p.m. Mountain Time.

ADDRESSES: The meeting will be held via Zoom.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_TLZcgxydR5yEPUSS--dJ_w.

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Webinar ID: 161 262 7062 #.

Agenda: <https://usccr.box.com/s/quws58omiopsh2jdwca3bjmz8ahtmp1> (note: a final meeting agenda will be available prior to the meeting date).

FOR FURTHER INFORMATION CONTACT: Ana Fortes, Designated Federal Officer at afortes@usccr.gov, or 202–681–0857.

SUPPLEMENTARY INFORMATION: This virtual committee meeting is available to the public through the registration link above. Any interested member of the public may join at the link to listen to this meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed

captioning is available by selecting "CC" in the Zoom meeting platform. To request additional accommodations, please email ebohor@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Evelyn Bohor, ebohor@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 809-9618.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website: <https://usccr.box.com/s/quws58omio> [psh2jdwc3bjmz8ahmpe1](https://usccr.box.com/s/quws58omio) as well as at: www.facadatabase.gov under the Commission on Civil Rights, selecting the Advisory Committee of interest. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at ebohor@usccr.gov.

Exceptional Circumstance: Pursuant to 41 CFR 102-3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of the federal government shutdown.

Dated: November 13, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025-20055 Filed 11-17-25; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Indiana Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights

ACTION: Notice of Public Meeting

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Indiana Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public business meeting via Zoom at 12:00 p.m. Eastern Time on Monday, November 17, 2025. The purpose of the meeting is to vote on the Committee's report on hate crimes in Indiana.

DATES: Monday, November 17, 2025, from 12:00 p.m.—1:30 p.m. Eastern Time

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_JSdnRFzZQkqA8C-tLcaxBg.

Join by Phone (Audio Only): (833) 435-1820 USA Toll-Free; Webinar ID: 160 333 4069.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer, at afortes@usccr.gov or (202) 681-0857.

SUPPLEMENTARY INFORMATION: This Committee meeting is available to the public through the registration link above. Any interested members of the public may attend this meeting. An open comment period will be provided to allow members of the public to make oral comments as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting "CC" in the meeting platform. To request additional accommodations, please email svillanueva@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Sarah Villanueva at svillanueva@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 681-0857.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via the file sharing website, <https://bit.ly/47mDPeL>. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at svillanueva@usccr.gov.

Agenda

- I. Welcome, Roll Call, and Announcements
- II. Committee Discussion
- III. Vote: Hate Crimes Report
- IV. Next Steps
- V. Public Comment
- VI. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102-3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of the federal government shutdown.

Dated: November 13, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025-20069 Filed 11-17-25; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Puerto Rico Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Puerto Rico Advisory Committee to the Commission will convene by virtual web conference. The purpose is to continue discussion on their project on the civil rights impacts of the Insular Cases in Puerto Rico.

DATES: Wednesday, November 19, 2025, at 3:30 p.m. Atlantic Time

ADDRESSES: Meeting will be held via Zoom.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_vlHz2PUqRzq5GcdBQBPbDA.

Join by Phone (Audio Only): 1-833 435 1820 USA Toll Free; Meeting ID: 161 403 8390 #.

Agenda: <https://usccr.box.com/s/1sgv7hrp6zy2u7iphusofhb8zrf4rd3m> (note: final agenda will be available prior to the meeting date).

FOR FURTHER INFORMATION CONTACT: Email Victoria Moreno, Designated Federal Officer at vmoreno@usccr.gov, or by phone at 434-515-0204.

SUPPLEMENTARY INFORMATION: This meeting will take place in English. This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided

to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email ebohor@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Victoria Moreno at vmoreno@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1-312-353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via www.facadatabase.gov under the Commission on Civil Rights, Puerto Rico Advisory Committee link. Committee documents can also be found at the following file sharing website: <https://usccr.box.com/s/fukc86iegef918ivu53td5rc6uyxpl8e>. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at ebohor@usccr.gov.

Exceptional Circumstance: Pursuant to 41 CFR 102-3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of the federal government shutdown.

Dated: November 13, 2025

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025-20063 Filed 11-17-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-920]

Lightweight Thermal Paper From the People's Republic of China: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of the expedited sunset review, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on lightweight thermal paper from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping, at the levels indicated in the "Final Results of Sunset Review" section of this notice.

DATES: Applicable November 18, 2025.

FOR FURTHER INFORMATION CONTACT: David De Falco, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202-482-2178.

SUPPLEMENTARY INFORMATION:

Background

On November 24, 2008, Commerce published the AD order in the **Federal Register**.¹ On June 2, 2025, Commerce published the notice of initiation of this third sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).² On June 16, 2025, Commerce received a timely and complete notice of intent to participate in the sunset review for domestic interested party within the deadline specified in the 19 CFR 351.218(d)(1)(i).³ The domestic interested party claimed the interested party status within the meaning of section 771(9)(C) of the Act as producer of lightweight thermal paper in the United States.⁴ On July 1, 2025, Commerce notified the U.S. International Trade Commission (ITC)

that it had received a notice of intent to participate from the domestic interested party.⁵

On July 2, 2025, pursuant to 19 CFR 351.218(d)(3)(i), the domestic interested party filed a timely and adequate substantive response.⁶ Commerce did not receive a substantive response from any respondent interested party. On July 21, 2025, Commerce notified the ITC that it did not receive substantive response from any respondent interested parties.⁷ As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting an expedited (120-day) sunset review of the *Order*.

Scope of the Order

The product covered by this *Order* is lightweight thermal paper from China. For the full description of the scope of the *Order*, see the Issues and Decisions Memorandum.⁸

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Order* and the magnitude of the margins likely to prevail if the *Order* were to be revoked, is provided in the accompanying Issues and Decision Memorandum.² A list of the topics discussed in the Issues and Decision Memorandum is attached in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be directly accessed at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of Sunset Reviews

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation

⁵ See Commerce's Letter, "Sunset Reviews Initiated on June 2, 2025," dated July 1, 2025.

⁶ See Domestic Interested Party's Letter, "Five-Year ("Sunset") Review of Antidumping Duty Order on Lightweight Thermal Paper from the People's Republic of China: Substantive Response," dated July 2, 2025.

⁷ See Commerce's Letter, "Sunset Reviews Initiated on June 2, 2025," dated July 21, 2025.

⁸ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order on Lightweight Thermal Paper from People's Republic of China," dated concurrently with, and hereby adopted by, this notice.

¹ See *Antidumping Duty Orders: Lightweight Thermal Paper from Germany and the People's Republic of China*, 73 FR 70959 (November 24, 2008) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 90 FR 23310 (June 2, 2025).

³ See Domestic Interested Party's Letter, "Five-Year ("Sunset") Review of Antidumping & Countervailing Duty Orders on Lightweight Thermal Paper from the People's Republic of China: Notice of Intent to Participate in Sunset Reviews," dated June 16, 2025.

⁴ *Id.* at 2.

or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 115.29 percent.

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218 (e)(1)(ii)(C)(2) and 19 CFR 351.221(c)(5)(ii).

Dated: September 30, 2025.

Christopher Abbott,

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

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. History of the Order
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of Dumping
 2. Magnitude of the Margins of Dumping Likely to Prevail
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2025–20160 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–113]

Certain Collated Steel Staples From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on Certain Collated Steel Staples from the People's Republic of China (China) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the “Final Results of Sunset Review” section of this notice.

DATES: Applicable November 18, 2025.

FOR FURTHER INFORMATION CONTACT:

Leah Kiah, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 240–956–8621.

SUPPLEMENTARY INFORMATION:

Background

On June 2, 2020, Commerce published the *Order* on steel staples from China.¹ On June 2, 2025, Commerce published the notice of initiation of the first sunset review of the *Order*, pursuant to section 751(c) of the Act and 19 CFR 351.218(c).²

On June 17, 2025, Commerce received a notice of intent to participate in this review from KYOCERA SENCO Industrial Tools, Inc. (Senco) (the domestic interested party), within the deadline specified in 19 CFR 351.218(d)(1)(i).³ Senco claims that it has interested party status within the meaning of section 771(9)(C) of the Act and 19 CFR 351.102(b)(29)(v) as a domestic manufacturer and producer of certain collated steel staples.⁴

On July 2, 2025, Commerce received an adequate substantive response from Senco, within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁵ Commerce did not receive a substantive response from either the Government of China or a respondent interested party to this proceeding. On July 2, 2025, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.⁶ As a result,

Commerce conducted an expedited (120-day) sunset review of the *Order*, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B)(2) and (C)(2).

Scope of the Orders

The product covered by this *Order* is certain collated steel staples from China. For the full description of the scope of the *Order*, see the Issues and Decisions Memorandum.⁷

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of subsidization and the countervailable subsidy rates likely to prevail if the *Order* were to be revoked, is contained in the accompanying Issues and Decision Memorandum.⁸ A list of the topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at <https://access.trade.gov>. In addition, complete versions of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(b) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

¹ See *Certain Collated Steel Staples from the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination*, 85 FR 33626 (June 2, 2020) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 90 FR 23310 (June 2, 2025).

³ See Senco's Letter, “Notice of Intent to Participate in Sunset Review,” dated June 17, 2025.

⁴ *Id.* at 1–2.

⁵ See Senco's Letter, “Substantive Response to Notice of Initiation,” dated July 2, 2025.

⁶ See Commerce's Letter, “Sunset Reviews Initiated on June 2, 2025,” dated July 2, 2025.

⁷ See Memorandum, “Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Countervailing Duty Order on Certain Collated Steel Staples from the People's Republic of China,” dated concurrently with, and hereby adopted by, this notice.

⁸ *Id.*

Producers/exporters	Net countervailable subsidy rate (percent <i>ad valorem</i>)
Zhejiang Best Nail Industrial Co., Ltd	63.24
Hai Sheng Xin Group Co., Ltd	192.64
Ningbo Deli Stationery	192.64
All Others	63.24

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.221(c)(5)(ii).

Dated: September 30, 2025.

Christopher Abbott,

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

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. History of the Order
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
 2. Net Countervailable Subsidy Rates Likely to Prevail
 3. Nature of the Subsidies
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2025–20159 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–921]

Lightweight Thermal Paper From the People's Republic of China: Final Results of the Expedited Third Sunset Review of the Countervailing Duty Order

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on lightweight thermal paper from the People's Republic of China (China) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the “Final Results of Sunset Review” section of this notice.

DATES: Applicable November 18, 2025.

FOR FURTHER INFORMATION CONTACT:

Matthew Eiss, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5675.

SUPPLEMENTARY INFORMATION:

Background

On November 24, 2008, Commerce published the order on lightweight thermal paper from China.¹ On June 2, 2025, Commerce published the notice of initiation of the third sunset review of the *Order*, pursuant to section 751(c) of the Act and 19 CFR 351.218(c).²

On June 16, 2025, Commerce received a notice of intent to participate in this review from Domtar Corporation (domestic interested party), within the deadline specified in 19 CFR 351.218(d)(1)(i).³ The domestic

interested party claims that it has interested party status within the meaning of section 771(9)(C) of the Act as a manufacturer of a domestic like product in the United States.⁴

On July 2, 2025, Commerce received an adequate substantive response from the domestic interested party, within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁵ Commerce did not receive a substantive response from either the Government of China or a respondent interested party to this proceeding. On July 21, 2025, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.⁶ As a result, Commerce conducted an expedited (120-day) sunset review of the *Order*, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B)(2) and (C)(2).

Scope of the Order

The product covered by this *Order* is lightweight thermal paper from China. For the full description of the scope of the *Order*, see the Issues and Decisions Memorandum.⁷

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of subsidization and the countervailable subsidy rates likely to prevail if the *Order* were to be revoked, is contained in the accompanying Issues

Orders On Lightweight Thermal Paper From The People's Republic Of China: Notice Of Intent To Participate in Sunset Reviews,” dated June 16, 2025.

⁴ *Id.* at 2.

⁵ See Domtar's Letter, “Five-Year (“Sunset”) Review Of Countervailing Duty Order On Lightweight Thermal Paper From The People's Republic Of China: Substantive Response,” dated July 2, 2025.

⁶ See Commerce's Letter, “Sunset Reviews Initiated June 2, 2025,” dated July 21, 2025.

⁷ See Memorandum, “Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Countervailing Duty Order on Lightweight Thermal Paper from the People's Republic of China,” dated concurrently with, and hereby adopted by, this notice.

¹ See *Lightweight Thermal Paper from the People's Republic of China: Notice of Amended Final Affirmative Countervailing Duty Determination and Notice of Countervailing Duty Order*, 73 FR 70958 (November 24, 2008) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 90 FR 23310 (June 2, 2025).

³ See Domtar's Letter, “Five-Year (“Sunset”) Review Of Antidumping & Countervailing Duty

and Decision Memorandum.⁸ A list of the topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty

Centralized Electronic Service System (ACCESS), which is available to registered users at <https://access.trade.gov>. In addition, complete versions of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(b) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

Producers/exporters	Subsidy rate (percent <i>ad valorem</i>)
Guangdong Guanbao High-Tech Co., Ltd	13.63
Shenzhen Yuanming Industrial Development Co., Ltd	138.53
MDCN Technology Co., Ltd	124.93
Xiamen Anne Paper Co., Ltd	124.93
All Others	13.63

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.221(c)(5)(ii).

Dated: September 30, 2025.

Christopher Abbott,

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

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*

IV. History of the *Order*

V. Legal Framework

VI. Discussion of the Issues

- 1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
- 2. Net Countervailable Subsidy Rates Likely to Prevail
- 3. Nature of the Subsidies

VII. Final Results of Sunset Review

VIII. Recommendation

[FR Doc. 2025–20155 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–869]

Certain Passenger Vehicle and Light Truck Tires from Taiwan: Final Results of Antidumping Duty Administrative Review; 2023–2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) determined that sales of certain passenger vehicle and light truck tires (passenger tires) from Taiwan were not sold at less than normal value (NV) during the period of review (POR) July 1, 2023, through June 30, 2024.

DATES: Applicable November 18, 2025.

FOR FURTHER INFORMATION CONTACT: Toni Page, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1398.

Background

On July 22, 2025, Commerce published the *Preliminary Results* of this administrative review in the **Federal Register** and invited comments from interested parties.¹ We received no comments from interested parties on the *Preliminary Results*, and we made no changes from the *Preliminary Results*. Accordingly, no decision memorandum accompanies this notice and the *Preliminary Results* are hereby adopted as these final results. Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order²

The product covered by this *Order* is passenger tires from Taiwan. For a complete description of the scope of the *Order*, see the *Preliminary Results*.³

Final Results of Review

We determine that the following weighted-average dumping margin exists for the period July 1, 2023, through June 30, 2024:

Producer/exporter	Subsidy rate (percent <i>ad valorem</i>)
Nankang Rubber Tire Corp. Ltd	0.00

⁸ *Id.*

¹ See *Certain Passenger Vehicle and Light Truck Tires from Taiwan: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2023–2024*, 90 FR 34431

(July 22, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

² See *Passenger Vehicle and Light Truck Tires from the Republic of Korea, Taiwan, and Thailand:*

Antidumping Duty Orders and Amended Final Affirmative Antidumping Duty Determination for Thailand, 86 FR 38011, 38012 (July 19, 2021) (*Order*).

³ See *Preliminary Results* PDM at 3–b.

Disclosure

Normally, Commerce discloses to interested parties the calculations of the final results of an administrative review within five days of a public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we have made no changes to the *Preliminary Results*, there are no calculations to disclose.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined in these final results of this review, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise during the POR. Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for examined sales to each importer to the total entered value of those sales. Where an importer-specific assessment rate is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise that entered the United States during the POR that were produced by Nankang Rubber Tire Corp. Ltd for which it did not know that its merchandise was destined to the United States, Commerce will instruct CBP to liquidate unreviewed entries at the all-others rate (*i.e.*, 84.75 percent),⁴ if there is no rate for the intermediate company(ies) involved in the transaction.⁵

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register**, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Nankang Rubber Tire Corp. Ltd will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate established in the less-than-fair-value investigation (*i.e.*, 84.75 percent).⁶ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (APO)

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

APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

These final results are being issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: September 30, 2025.

Christopher Abbott,

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

[FR Doc. 2025–20157 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–903]

Raw Honey From India: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2023–2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order on raw honey from India for the period of review (POR) June 1, 2023, through May 31, 2024. Commerce preliminarily finds that sales of subject merchandise were not made at prices below normal value (NV) during the POR. We are also rescinding the review, in part, with respect to 15 companies that had no entries of the subject merchandise during the POR. We invite interested parties to comment on these preliminary results.

DATES: Applicable November 18, 2025.

FOR FURTHER INFORMATION CONTACT:

Brittany Bauer or Javier Barrientos, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington DC 20230; telephone: (202) 482–3860 or (202) 482–2243, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 29, 2024, Commerce initiated an administrative review of the AD

⁴ See Order, 86 FR at 38012.

⁵ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

⁶ See Order, 86 FR at 38012.

order on raw honey from India,¹ in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). This review covers 29 producers/exporters of subject merchandise.² Commerce selected two mandatory respondents for individual examination, Indocan Honey Private Limited (Indocan) and Shakti Apifoods Pvt., Ltd. (Shakti).

On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by 90 days³ and, on May 22, 2025, Commerce extended the deadline for these preliminary results until September 26, 2025.⁴ For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁵

Scope of the Order

The merchandise subject to the *Order* is raw honey from India. For a full description of the scope, *see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR subject to the AD order for which liquidation is suspended, Commerce may rescind an administrative review, in whole or only with respect to a particular exporter or producer. At the end of the administrative review, any suspended entries are liquidated at the assessment rate computed for the review period. Therefore, for an administrative review to be conducted, there must be at least one reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the newly calculated

assessment rate. On August 11, 2025, Commerce notified all interested parties of its intent to rescind this review with respect to 15 companies because those companies had no reviewable, suspended entries of subject merchandise, and we invited parties to comment.⁶ We did not receive comments regarding our Intent to Rescind Memorandum and are, therefore, rescinding this review, in part, with regard to the 15 companies listed in Appendix II.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Act. We calculated export price and constructed export price in accordance with section 772 of the Act. We calculated NV in accordance with section 773 of the Act.

For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Rate for Companies Not Individually Examined

The Act and Commerce’s regulations do not address the establishment of a

weighted-average dumping margin to be assigned to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when determining the weighted-average dumping margin for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted average of the estimated weighted average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely {on the basis of facts available}.”

In this administrative review, we preliminarily calculated dumping margins of zero percent for both Indocan and Shakti. Thus, in accordance with the expected method, and consistent with the U.S. Court of Appeals for the Federal Circuit’s decision in *Albemarle*,⁷ and Commerce’s practice,⁸ we preliminarily assigned to the non-selected company a zero percent rate, based on the rates calculated for the two mandatory respondents.

Preliminary Results of the Review

We preliminarily determine that the following weighted-average dumping margins exist for the period June 1, 2023, through May 31, 2024:

Exporter/producer	Weighted-average dumping margin (percent)
Indocan Honey Private Limited; Queenbee Foods Private Limited; and Pearlcot Enterprises	0.00
Shakti Apifoods Pvt., Ltd	0.00
Companies Not Selected for Individual Review ⁹	0.00

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 60871 (July 29, 2024) (*Initiation Notice*); *see also* *Raw Honey from Argentina, Brazil, India, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 87 FR 35501 (June 10, 2022) (*Order*).

² Although the *Initiation Notice* lists 31 companies, Pearlcot Enterprises and Queenbee Foods Pvt. Ltd. were subsequently found to be part of a single entity with Indocan Honey Private Limited. *See Raw Honey from India: Final Results and Partial Rescission of Antidumping Duty Administrative Review; 2021–2023*, 90 FR 16864 (April 22, 2025).

³ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated December 9, 2024.

⁴ See Memorandum, “Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,” dated May 22, 2025.

⁵ See Memorandum, “Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Raw Honey from India; 2023–2024,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁶ See Memorandum, “Notice of Intent to Rescind Review, In Part,” dated August 11, 2025 (Intent to Rescind Memorandum).

⁷ See *Albemarle Corp. v. United States*, 821 F.3d 1345, 1352 (Fed. Cir. 2016) (*Albemarle*) (holding that Commerce may only use “other reasonable methods” if it reasonably concludes that the

expected method is “not feasible” or “would not be reasonably reflective of potential dumping margins”).

⁸ See, e.g., *Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2020–2021*, 87 FR 60989 (October 7, 2022), unchanged in *Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2020–2021*, 88 FR 20218 (April 5, 2023).

⁹ The exporters or producers not selected for individual examination are listed in Appendix III.

Disclosure

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance.¹⁰ Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce no later than seven days after the date on which Commerce issues its post-preliminary analysis in this administrative review. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹¹ Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their briefs that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹² Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹³

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.¹⁴ Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, including case and rebuttal briefs, as well as hearing requests, should be filed via ACCESS.¹⁵ An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

Assessment Rates

Upon completion of the final results of this administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.¹⁶ Pursuant to 19 CFR 351.212(b)(1), if the weighted-average dumping margin for Indocan or Shakti is not zero or *de minimis* (i.e., less than 0.50 percent) in the final results of this review, we will calculate importer-specific assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales. If either respondent's weighted-average dumping margin is zero or *de minimis* in the final results of review, or if an importer-specific assessment rate is zero or *de minimis*, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review, and for future deposits of estimated duties, where applicable.¹⁷

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise during

the POR produced by Indocan or Shakti for which the company did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate established in the original less-than-fair-value (LTFV) investigation (i.e., 5.87 percent)¹⁸ if there is no rate for the intermediate company(ies) involved in the transaction.¹⁹

For the companies listed in Appendix III which were not selected for individual examination, we will assign an assessment rate based on the review-specific rate, calculated as noted in the "Rate for Companies Not Individually Examined" section, above. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.²⁰

For the companies listed in Appendix II for which the review is rescinded, we will instruct CBP to assess antidumping duties on any suspended entries that entered under the CBP case numbers of those companies (i.e., at those exporters' rates) at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the POR.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (i.e., within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be equal to the weighted-average dumping margins established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR

¹⁰ See 19 CFR 351.309(c)(1)(ii); see also 19 CFR 351.303 (for general filing requirements).

¹¹ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (APO and Service Procedures).

¹² We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹³ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and*

Countervailing Duty Proceedings; Final Rule, 88 FR 67069 (September 29, 2023).

¹⁴ See 19 CFR 351.310(d).

¹⁵ See 19 CFR 351.303.

¹⁶ See 19 CFR 351.212(b).

¹⁷ See section 751(a)(2)(C) of the Act.

¹⁸ See *Order*, 87 FR at 35503.

¹⁹ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

²⁰ See section 751(a)(2)(C) of the Act.

351.106(c)(1), in which case the cash deposit rate will be zero; (2) for merchandise exported by a company not covered in this review, but covered in a prior segment of the proceeding, the cash deposit rate will be the company-specific rate published for the most recently-completed segment in which it was reviewed; (3) if the exporter is not a firm covered in this review or in the original LTFV investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 5.87 percent, the all-others rate established in the LTFV investigation.²¹ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

Commerce is issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: September 26, 2025.

Christopher Abbott,

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

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background

- III. Scope of the Order
- IV. Particular Market Situation
- V. Discussion of the Methodology
- VI. Currency Conversion
- VII. Recommendation

Appendix II

Companies for Which We Are Rescinding the Administrative Review

1. Alpro
2. Agro Producer Co., Ltd
3. Aone Enterprises
4. Apl Logistic
5. Bee Hive Farms
6. Dabur India Limited
7. Ess Pee Quality Products
8. Infinator Pvt., Ltd
9. Natural Agro Foods
10. NYSA Agro Foods
11. Shan Organics
12. Shiv Apiaries
13. Sunlite Organic
14. UTMT
15. Vedic Systems

Appendix III

Companies Not Selected for Individual Examination

1. AA Food Factory
2. Allied Natural Product
3. Ambrosia Natural Products (India) Private Limited/Ambrosia Enterprise/Sunlite India
4. Apibee Natural Product Private Limited
5. Brij Honey Pvt., Ltd
6. Ganpati Natural Products
7. GMC Natural Product
8. Hi Tech Natural Products India Ltd
9. Kejriwal Bee Care India (Pvt.) Ltd
10. KK Natural Food Industries LLP
11. Salt Range Foods Pvt. Ltd
12. Yieppie Internationals
- 13.

[FR Doc. 2025–20176 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–112]

Collated Steel Staples From People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on collated steel staples from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping, at the levels indicated in the "Final Results of Sunset Review" section of this notice.

DATES: Applicable November 18, 2025.

FOR FURTHER INFORMATION CONTACT: Jack Custard, Trade Agreements Policy and

Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–1125.

SUPPLEMENTARY INFORMATION:

Background

On July 20, 2020, Commerce published the *Order* in the **Federal Register**.¹ On June 3, 2025, Commerce published the notice of initiation of this first sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).²

On June 17, 2025, Commerce received a timely and complete notice of intent to participate in the sunset review for domestic interested party within the deadline specified in the 19 CFR 351.218(d)(1)(i).³ The domestic interested party claimed the interested party status within the meaning of section 771(9)(C) of the Act as a manufacturer and producer of a domestic like product in the United States.⁴ On July 1, 2025, Commerce notified the U.S. International Trade Commission (ITC) that it had received a notice of intent to participate from the domestic interested party.⁵

On July 2, 2025, pursuant to 19 CFR 351.218(d)(3)(i), domestic interested party filed a timely and adequate substantive response.⁶ Commerce did not receive a substantive response from any respondent interested party. On July 21, 2025, Commerce notified the ITC that it did not receive substantive response from any respondent interested parties.⁷ As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting an expedited (120-day) sunset review of the *Order*.

Scope of the Order

The product covered by this *Order* is collated steel staples from China. For the full description of the scope of the

¹ See *Certain Collated Steel Staples from the People's Republic of China: Antidumping Duty Order*, 85 FR 43815 (July 20, 2020) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 90 FR 23310 (June 2, 2025).

³ See Domestic Interested Party's Letter, "*Certain Collated Steel Staples from the People's Republic of China: Notice of Intent to Participate*," dated June 17, 2025.

⁴ *Id.* at 2.

⁵ See Commerce's Letter, "Sunset Reviews Initiated on June 2, 2025," dated July 1, 2025.

⁶ See Domestic Interested Party's Letter, "*Certain Collated Steel Staples from the People's Republic of China: Substantive Response to Notice of Initiation*," dated July 2, 2025 (*Substantive Response*).

⁷ See Commerce's Letter, "Sunset Reviews Initiated on June 2, 2025," dated July 21, 2025.

²¹ See *Order*, 81 FR at 11176.

Order, see the Issues and Decisions Memorandum.⁸

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Order* and the magnitude of the margins likely to prevail if the *Order* were to be revoked, is provided in the accompanying Issues and Decision Memorandum.⁹ A list of the topics discussed in the Issues and Decision Memorandum is attached in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be directly accessed at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of Sunset Reviews

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 122.55 percent.

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act,

and 19 CFR 351.218 and 19 CFR 351.221(c)(5)(ii).

Dated: September 30, 2025.

Christopher Abbott,

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

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of Dumping
 2. Magnitude of the Margins of Dumping Likely to Prevail
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2025–20161 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–211, A–560–844, A–552–851]

Hardwood and Decorative Plywood From the People's Republic of China, Indonesia, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

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

DATES: Applicable November 18, 2025.

FOR FURTHER INFORMATION CONTACT: Theodora Mattei at (202) 482–4834 (People's Republic of China (China)), Joy Zhang at (202) 482–1168 (Indonesia), and John Frye at (202) 482–3035 (Socialist Republic of Vietnam (Vietnam)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On June 11, 2025, the U.S. Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of hardwood and decorative plywood from China, Indonesia, and Vietnam.¹ Currently, the

preliminary determinations are due no later than October 29, 2025.

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) the petitioner² makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On September 19, 2025, the petitioner submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations.³ The petitioner stated that it requested postponement because “these investigations cover hardwood and decorative plywood from multiple countries, and thus require a significant amount of resources to fully investigate.”⁴ The petitioner also stated that “{Commerce} only recently received responses to the initial questionnaires in these investigations. Accordingly, {a postponement of the preliminary determinations} would allow {the petitioner's} counsel and other interested parties sufficient time to analyze respondents' questionnaire responses and provide comments on those responses. In addition, it would allow {Commerce} to issue supplemental questionnaires and receive responses prior to {the preliminary determinations}.”⁵

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in

Than-Fair-Value Investigations, 90 FR 25212 (June 16, 2025) (*Initiation Notice*).

² The petitioner is the Coalition for Fair Trade in Hardwood Plywood.

³ See Petitioner's Letter, “Request to Postpone Preliminary Determinations,” dated September 19, 2025.

⁴ *Id.* at 1.

⁵ *Id.* at 1–2.

⁸ See Memorandum, “Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Antidumping Duty Order on Collated Steel Staples from the People's Republic of China,” dated concurrently with, and hereby adopted by, this notice.

⁹ *Id.*

¹ See *Hardwood and Decorative Plywood from the People's Republic of China, Indonesia, and the Socialist Republic of Vietnam: Initiation of Less-*

accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations by 50 days (*i.e.*, 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than December 18, 2025. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: September 30, 2025.

Christopher Abbott,

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

[FR Doc. 2025–20156 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–883]

Glycine From India: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2023–2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that certain producers and/or exporters subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR) June 1, 2023, through May 31, 2024. Interested parties are invited to comment on these preliminary results.

DATES: Applicable November 18, 2025.

FOR FURTHER INFORMATION CONTACT:

Tyler R. Weinhold or Harrison Tanchuck, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1121 or (202) 482–7421, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 21, 2019, Commerce published in the **Federal Register** an antidumping duty order on glycine from

India.¹ On June 3, 2024, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.² On July 29, 2024, Commerce published the notice of initiation of the administrative review of the *Order*, covering 25 foreign producers and/or exporters.³ On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by 90 days.⁴ On April 22, 2025, we extended the time limit for completion of these preliminary results to September 26, 2025, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act).⁵

Scope of the Order

The product covered by the scope of the *Order* is glycine from India. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.⁶

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. All review requests were timely withdrawn for all companies listed in the *Initiation Notice*, except for: (1) Bajaj Healthcare Limited (Bajaj); (2) Kumar Industries; and (3) Paras Intermediaries Private Limited.⁷ Therefore, in accordance with 19 CFR 351.213(d)(1), Commerce is

partially rescinding this review of the *Order* for these 22 companies.

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an antidumping duty order where it concludes that there were no suspended entries of subject merchandise during the POR.⁸ Normally, upon completion of an administrative review, the suspended entries are liquidated at the antidumping duty assessment rate for the review period.⁹ Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the calculated antidumping duty assessment rate for the review period.¹⁰ Commerce notified all interested parties of its intent to rescind the instant review regarding Bajaj because there were no reviewable, suspended entries of subject merchandise from this company during the POR and invited interested parties to comment.¹¹ We received no comments. In the absence of any suspended entries of subject merchandise from Bajaj during the POR, we are rescinding this administrative review with respect to Bajaj, in accordance with 19 CFR 351.213(d)(3).

The companies for which Commerce is rescinding this administrative review are identified in Appendix II of this notice.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. For a full description of the methodology underlying these

¹ See *Glycine from India and Japan: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Orders*, 84 FR 29170 (June 21, 2019) (*Order*).

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List*, 89 FR 47520 (June 3, 2024).

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 60874 (July 29, 2024) (*Initiation Notice*).

⁴ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated December 9, 2024.

⁵ See Memorandum, “Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2023–2024,” dated April 22, 2025.

⁶ See Memorandum, “Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Glycine from India; 2022–2023,” dated October 11, 2024, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁷ See Deer Park Glycine, LLC's Letters, “Partial Withdrawal of Request for Administrative Review” and “Withdrawal of Request for Administrative Review of 23 Companies,” dated October 11, 2024, and October 25, 2024, respectively; see also Avid Organics Private Limited's Letter, “Withdrawal of Review Request of Anti-Dumping Duty Administrative Review,” dated October 28, 2024.

⁸ See, e.g., *Certain Carbon and Alloy Steel Cut-to Length Plate from the Federal Republic of Germany: Rescission of Antidumping Administrative Review; 2020–2021*, 88 FR 4154 (January 24, 2023).

⁹ See 19 CFR 351.212(b)(1).

¹⁰ See, e.g., *Shanghai Sunbeauty Trading Co. v. United States*, 380 F.Supp.3d 1328, 1337 (CIT 2019), at 12 (referring to section 751(a) of the Act, the U.S. Court of International Trade held that “[w]hile the statute does not explicitly require that an entry be suspended as a prerequisite for establishing entitlement to a review, it does explicitly state the determined rate will be used as the liquidation rate for the reviewed entries. This result can only obtain if the liquidation of entries has been suspended”; see also *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019*, 86 FR 36102, and accompanying Issues and Decision Memorandum at Comment 4; and *Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation: Notice of Rescission of Antidumping Duty Administrative Review*, 77 FR 65532 (October 29, 2012) (noting that “for an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate”).

¹¹ See Memorandum, “Notice of Intent to Rescind Review,” dated November 15, 2024.

preliminary results, *see* the Preliminary Decision Memorandum.¹² A list of the topics discussed in the Preliminary Decision Memorandum is included in Appendix I. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and

Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be found at

<https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Preliminary Results of Review

We preliminarily determine that the following estimated weighted-average dumping margins exist for the period June 1, 2023, through May 31, 2024:

Exporter/producer	Weighted-average dumping margin (percent)
Paras Intermediates Private Limited	0.00
Kumar Industries	39.12

Disclosure

Commerce intends to disclose to interested parties its calculations performed in these preliminary results, within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance.¹³ Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce no later than 21 days after the date of the publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹⁴ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁵

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this administrative review, we instead request that interested parties provide, at the beginning of their briefs, a public executive summary for each issue raised in their briefs.¹⁶ Further, we request that interested parties limit their public executive summary of each issue to no

more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁷

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.¹⁸ Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, including case and rebuttal briefs, as well as hearing requests, should be filed via ACCESS.¹⁹ An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

Final Results of Review

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice in the **Federal Register**, unless extended, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Upon completion of this administrative review, pursuant to section 751(a)(2)(A) of the Act, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. If the weighted-average dumping margin for a mandatory respondent is not zero or *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1).²⁰ If the weighted-average dumping margin is zero or *de minimis* in the final results of review, or if an importer-specific assessment rate is zero or *de minimis*, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.²¹ For entries of subject merchandise during the POR produced by the respondent(s) for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate²² if there is no rate for the

Assessment Rate in Certain Antidumping Proceedings: Final Modification, 77 FR 8101, 8103 (February 14, 2012).

²¹ *Id.*, 77 FR at 8102–03; *see also* 19 CFR 351.106(c)(2).

²² The all-others rate is 13.61 percent. *See Glycine from India: Final Determination of Sales at Less Than Fair Value*, 84 FR 18487 (May 1, 2019).

¹² *See* Preliminary Decision Memorandum.

¹³ *See* 19 CFR 351.309(c)(1)(ii); *see also* 19 CFR 351.303 (for general filing requirements).

¹⁴ *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

¹⁵ *See* 19 CFR 351.309(c)(2) and (d)(2).

¹⁶ We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁷ *See APO and Service Procedures*.

¹⁸ *See* 19 CFR 351.310(d).

¹⁹ *See* 19 CFR 351.303.

²⁰ *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and*

intermediate company(ies) involved in the transaction.²³ The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future cash deposits of estimated antidumping duties, where applicable.

For the companies for which we are rescinding this administrative review, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period of review, in accordance with 19 CFR 351.212(c)(1)(i). For these companies, Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these preliminary results in the **Federal Register**.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication). The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future cash deposits of estimated antidumping duties, where applicable.²⁴

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication in the **Federal Register** of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for companies subject to this review will be equal to the company-specific weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by a company not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review,

or the less-than-fair-value investigation but the producer is, then the cash deposit rate will be the rate established in the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 13.61 percent, the all-others rate established in the less-than-fair value investigation.²⁵ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: September 26, 2025.

Christopher Abbott,

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

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Affiliation and Collapsing
- V. Discussion of the Methodology
- VI. Currency Conversion
- VII. Recommendation

Appendix II

Companies Rescinded From Administrative Review

- (1) Aditya Chemicals
- (2) Avid Organics Private Limited
- (3) Bajaj Healthcare Limited
- (4) Eagle Chemical Works
- (5) Elementis Specialties India Pvt.
- (6) Euroasias Organics Pvt., Ltd.
- (7) Global Merchants
- (8) Gulbrandsen Technologies (India) Pvt. Ltd.

- (9) J.R. Corporation
- (10) Kronox Lab Sciences Pvt. Ltd.
- (11) Lucas Tvs Limited
- (12) Medilane Healthcare Pvt. Ltd.
- (13) Mumbai Merchant
- (14) Natural and Essential Oils Pvt., Ltd.
- (15) Nature Bio
- (16) Priya Chemicals
- (17) Reliance Corporation
- (18) Rexusize Rasayan Industries
- (19) Rudraa International
- (20) Shari Pharmachem Pvt., Ltd.
- (21) Tarkesh Trading Co.
- (22) Valaji Pharma Chem.
- (23) Venus International

[FR Doc. 2025–20175 Filed 11–17–25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–009]

Calcium Hypochlorite From China: Final Results of the Expedited Second Sunset Review of the Countervailing Duty Order

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on calcium hypochlorite from the People's Republic of China (China) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the "Final Results of Sunset Review" section of this notice.

DATES: Applicable November 18, 2025.

FOR FURTHER INFORMATION CONTACT: Tylar Lewis, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–6009.

SUPPLEMENTARY INFORMATION:

Background

On January 30, 2015, the U.S. Department of Commerce (Commerce) published the *Order* on Calcium Hypochlorite from China.¹ On June 2, 2025, Commerce published the notice of initiation of the second sunset review of the *Order*, pursuant to section 751(c) of the Act and 19 CFR 351.218(c).²

On June 17, 2025, Commerce received a notice of intent to participate in this

²³ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

²⁴ See section 751(a)(2)(C) of the Act.

²⁵ See *Order*, 84 FR at 29171.

¹ See *Calcium Hypochlorite from the People's Republic of China: Countervailing Duty Order*, 80 FR 5082 (January 30, 2015) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 90 FR 23310 (June 2, 2025).

review from the domestic interested party, Innovative Water Care (IWC), within the deadline specified in 19 CFR 351.218(d)(1)(i).³ IWC claims that it has interested party status within the meaning of section 771(9)(C) of the Act and 19 CFR 351.102(b)(29)(v) as a domestic producer of the subject merchandise.⁴

On July 2, 2025, Commerce received an adequate substantive response from IWC, within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁵ Commerce did not receive a substantive response from either the Government of China or a respondent interested party to this proceeding. On July 21, 2025 Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.⁶ As a result, Commerce conducted an expedited

(120-day) sunset review of the *Order*, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B)(2) and (C)(2).

Scope of the Order

The product covered by this *Order* is calcium hypochlorite from China. For the full description of the scope of the *Order*, see the Issues and Decisions Memorandum.⁷

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of subsidization and the countervailable subsidy rates likely to prevail if the *Order* were to be revoked, is contained in the accompanying Issues and Decision Memorandum.⁸ A list of the topics discussed in the Issues and Decision Memorandum is attached as an

appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at <https://access.trade.gov>. In addition, complete versions of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(b) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

Producers/exporters	Net countervailable subsidy rate (percent ad valorem)
Hubei Dinglong Chemical Co. Ltd	65.85
W&W Marketing Corporation	65.85
Tianjin Jinbin International Trade Co., Ltd	65.85
All Others	65.85

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218(e)(1)(ii)(C)(2) and 19 CFR 351.221(c)(5)(ii).

Dated: September 30, 2025.

Christopher Abbott,

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

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. History of the Order
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy Likely to Prevail
 2. Net Countervailable Subsidy Rates
 3. Nature of the Subsidies
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2025–20158 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–833]

Raw Honey From the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review; 2023–2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Ban Me Thout Honeybee Joint Stock Company (BMT), Daklak Honeybee Joint Stock Company (DakHoney), and 12 non-individually examined and separate-rate eligible exporters of raw honey from the Socialist Republic of Vietnam (Vietnam) sold subject merchandise to the United States at less than normal value (NV) during the period of review (POR) June 1, 2023, through May 31, 2024.

DATES: Applicable November 18, 2025.

Calcium Hypochlorite from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice.

⁸ *Id.*

³ See IWC's Letter, "Calcium Hypochlorite from China: Notice of Intent to Participate," dated June 17, 2025 (IWC's Notice of Intent).

⁴ *Id.* at 1.

⁵ See IWC's Letter, "Antidumping and Countervailing Duty Orders on Calcium Hypochlorite from the People's Republic of China—

Substantive Response to the Notice of Initiation," dated July 2, 2025 (IWC's Substantive Response).

⁶ See Commerce's Letter, "Sunset Review Initiated on June 2, 2025," dated July 21, 2025.

⁷ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Countervailing Duty Order on

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

SUPPLEMENTARY INFORMATION:

Background

On June 10, 2022, Commerce published in the **Federal Register** the antidumping duty (AD) order on raw honey from Vietnam.¹ On June 3, 2024, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.² On July 29, 2024, Commerce initiated an administrative review of the *Order* on raw honey from Vietnam.³ On September 20, 2024, Commerce corrected the *Initiation Notice*,⁴ to include eight companies that were inadvertently omitted from the *Initiation Notice*.⁵ On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by 90 days.⁶ On April 30, 2025, Commerce extended the deadline for these preliminary results to September 29, 2025.⁷

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁸ The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed

directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The product covered by this *Order* is raw honey from Vietnam. A full description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.⁹

Separate Rates

The Tariff Act of 1930, as amended (the Act) and Commerce’s regulations do not address the establishment of a separate rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for separate-rate respondents which Commerce did not examine individually in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins calculated for individually-examined respondents, excluding dumping margins that are zero, *de minimis*, or based entirely on facts available.

Commerce preliminarily determines that information placed on the record by the two mandatory respondents, BMT and DakHoney, and 12 additional companies seeking a separate rate¹⁰ demonstrate that these companies are preliminarily entitled to separate rate status. For the preliminary results of this review, we are assigning the separate rate respondents a dumping

margin equal to the simple average of BMT’s and DakHoney’s margins.

Vietnam-Wide Entity

Commerce finds that 18 companies under review have not established eligibility for a separate rate and are considered to be part of the Vietnam-wide entity for these preliminary results.¹¹ Commerce’s policy regarding conditional review of the Vietnam-wide entity applies to this administrative review.¹² Under this policy, the Vietnam-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the Vietnam-wide entity, the entity is not under review and the entity’s rate of 60.03 percent is not subject to change.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Act. We calculated export price and constructed export price in accordance with section 772 of the Act. Because Vietnam is a non-market economy country within the meaning of section 771(18) of the Act, we calculated NV in accordance with section 773(c) of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of the Administrative Review

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist for the period June 1, 2023, through May 31, 2024:

Exporter	Weighted-average dumping margin (percent)
Ban Me Thuot Honeybee Joint Stock Company	21.55
Daklak Honeybee Joint Stock Company	6.72
Companies Receiving a Separate Rate ¹³	14.14

¹ See *Raw Honey from Argentina, Brazil, India, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 87 FR 35501 (June 10, 2022) (*Order*).

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity To Request Administrative Review and Join Annual Inquiry Service List*, 89 FR 47518 (June 3, 2024).

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 60871 (July 29, 2024) (*Initiation Notice*).

⁴ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 77079 (September 20, 2024).

⁵ *Id.* at Footnote 11.

⁶ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated December 9, 2024.

⁷ See Memorandum, “Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,” dated April 30, 2025.

⁸ See Memorandum, “Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review of Raw Honey from the

Socialist Republic of Vietnam; 2023–2024,” dated concurrently with this notice (Preliminary Decision Memorandum).

⁹ *Id.*

¹⁰ See Appendix II for a list of these companies.

¹¹ See Appendix III for a list of these companies.

¹² See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

¹³ See Appendix II for a list of these companies.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to not later than 21 days after the date of the publication of this notice.¹⁴ Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.¹⁵ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue addressed; and (2) a table of authorities.¹⁶

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.¹⁷ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁸

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to

the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

For each individually examined respondent in this review whose weighted-average dumping margin in the final results of review is not zero or *de minimis* (*i.e.*, less than 0.5 percent), Commerce intends to calculate importer/customer-specific assessment rates.¹⁹ Where the respondent reported reliable entered values, Commerce intends to calculate importer/customer-specific *ad valorem* assessment rates by aggregating the amount of dumping calculated for all U.S. sales to the importer/customer and dividing this amount by the total entered value of the merchandise sold to the importer/customer.²⁰ Where the respondent did not report entered values, Commerce will calculate importer/customer-specific assessment rates by dividing the amount of dumping for reviewed sales to the importer/customer by the total quantity of those sales. Commerce will calculate an estimated *ad valorem* importer/customer-specific assessment rate to determine whether the per-unit assessment rate is *de minimis*; however,

Commerce will use the per-unit assessment rate where entered values were not reported.²¹ Where an importer/customer-specific *ad valorem* assessment rate is not zero or *de minimis*, Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's weighted average dumping margin is zero or *de minimis*, or an importer/customer-specific *ad valorem* assessment rate is zero or *de minimis*, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.²²

Pursuant to Commerce's refinement to its practice, for sales that were not reported in the U.S. sales database submitted by a respondent individually examined during this review, Commerce will instruct CBP to liquidate the entry of such merchandise at the dumping margin assigned to the Vietnam-wide entity.²³ For respondents not individually examined in this administrative review that qualified for a separate rate, the assessment rate will be equal to the simple average of BMT's and DakHoney's margins.

Additionally, where Commerce determines that an exporter under review had no shipments of subject merchandise to the United States during the POR, any suspended entries of subject merchandise that entered under that exporter's CBP case number during the POR will be liquidated at the dumping margin assigned to the Vietnam-wide entity.

In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated antidumping duties, where applicable.

Cash Deposit Requirements

These cash deposit requirements, when imposed, shall remain in effect until further notice. The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) for the companies listed above that have a separate rate, the cash deposit rate will be that rate established in the final results of this review

¹⁴ See 19 CFR 351.309.

¹⁵ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

¹⁶ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁷ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁸ See *APO and Service Final Rule*.

¹⁹ See *Antidumping Proceedings: Calculation of the Weighted Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification*).

²⁰ See 19 CFR 351.212(b)(1).

²¹ *Id.*

²² See *Final Modification*, 77 FR at 8103.

²³ For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

(except, if the rate is zero or *de minimis*, then a cash deposit rate of zero will be established for that company); (2) for previously-examined Vietnamese and non-Vietnamese exporters not listed above that at the time of entry are eligible for a separate rate base on a prior completed segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate; (3) for all non-Vietnamese exporters of subject merchandise which at the time of entry do not have a separate rate, the cash deposit rate will be the rate applicable to the Vietnamese exporter that supplied the non-Vietnamese exporter; and (4) for all Vietnamese exporters of subject merchandise that have not been found to be entitled to a separate rate at the time of entry, the cash deposit rate will be that for the Vietnam-wide entity (*i.e.*, 60.03 percent ad valorem). These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in case and rebuttal briefs, within 120 days of publication of these preliminary results of review in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h)(2) and 351.221(b)(4).

Dated: September 29, 2025.

Christopher Abbott,

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

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. Currency Conversion
- VI. Recommendation

Appendix II

List of Companies Receiving A Separate Rate

1. Ban Me Thuot Honeybee Joint Stock Company
2. Daklak Honeybee Joint Stock Company
3. Bao Nguyen Honeybee Co., Ltd.
4. Daisy Honey Bee Joint Stock Company
5. Dak Nguyen Hong Exploitation of Honey Company Limited TA
6. Dongnai HoneyBee Corporation
7. H.T. Honey Co., Ltd.
8. Hoang Tri Honey Bee Company Limited
9. Huong Rung Trading—Investment and Export Company (Huong Rung Co., Ltd.)
10. Nguyen Hong Honey, Co Ltd.
11. Southern Honey Bee Co., Ltd.
12. Spring Honeybee Co., Ltd.
13. Thanh Hao Bees Company Limited
14. Viet Thanh Food Technology Development Investment Company Limited (Viet Thanh Food Co., Ltd.)

Appendix III

List of Companies Included in the Vietnam-Wide Entity

1. Bee Honey Corporation of Ho Chi Minh City
2. Golden Bee Company Limited
3. Golden Honey Co., Ltd.
4. Hai Phong Honeybee Company Limited
5. Hanoi Honey Bee Joint Stock Company
6. Hanoi Honeybee Joint Stock Company
7. Hanoibee JSC
8. Highlands Honeybee Travel Co., Ltd.
9. Hoa Viet Honeybee One Member Company Limited (also known as Hoa Viet Honeybee Co., Ltd.)
10. Hung Binh Phat/Hung Binh Phat Co., Ltd.
11. Hung Thinh Trading Pvt.
12. Huong Viet Honey Co., Ltd.
13. Nhieu Loc Company Limited
14. Phong Son Limited Company/Phong Son Co., Ltd.
15. Saigon Bees Company Limited/Saigon Bees Co., Limited
16. Thai Hoa Viet Mat Bees Raising Co./Thai Hoa Mat Bees Rasing Co., Ltd./Thai Hoa Mat Bees Raising Co., Ltd.
17. TNB Foods Co., Ltd.
18. Vinawax Producing Trading and Service Company Limited

[FR Doc. 2025–20162 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF258]

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 meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Summer Flounder, Scup, and Black Sea Bass Advisory Panel will hold a public meeting with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Advisory Panel.

DATES: The meeting will be held on Wednesday, November 19, 2025, from 3:30 p.m.–6:30 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the Council's calendar prior to the meeting at <https://www.mafmc.org>.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; <https://www.mafmc.org>.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council's Summer Flounder, Scup, and Black Sea Bass Advisory Panel will meet with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Advisory Panel via webinar on Wednesday, November 19, 2025, from 3:30 p.m. until 6:30 p.m. The purpose of this meeting is for the Advisory Panel to review and provide feedback on the Monitoring Committee's recommendations for 2026–2027 recreational management measures for summer flounder, scup, black sea bass. Input provided by the Advisory Panel will be considered during the December 2025 joint meeting of the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board.

The meeting is 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. 2025–20083 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF325]

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 meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold a public workshop.

DATES: The workshop will be held on Wednesday, December 10, 2025, from 9:30 a.m. to 4:30 p.m. See

SUPPLEMENTARY INFORMATION for agenda details.

ADDRESSES: This will be an in-person workshop with a virtual option. Invited workshop participants and members of the public will have the option to participate in person at the Sheraton BWI Airport (1100 Old Elkridge Landing Rd, Linthicum Heights, MD) or virtually via Webex webinar. Webinar connection instructions and background materials will be available at: www.mafmc.org.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; website: www.mafmc.org.

FOR FURTHER INFORMATION CONTACT:

Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Council in coordination with contractors from the University of Massachusetts Dartmouth and Hydra Scientific are holding a workshop to support the Council's resilient fisheries project on "operationalizing ecosystem and habitat indicators to support climate-ready fisheries management in the Mid-Atlantic". This workshop will bring together Council members, stakeholders, scientists, and staff to identify and prioritize management processes where ecosystem and habitat

indicators can enhance management decisions.

A detailed agenda and background documents will be made available on the Council's website (www.mafmc.org) prior to the meeting.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid 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. 2025–20056 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF280]

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) is scheduling a public hybrid meeting of its Scallop Advisory Panel via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, November 19, 2025 at 9 a.m. Webinar registration URL information: <https://nefmc-org.zoom.us/j/9876543210>

ADDRESSES: *Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Advisory Panel (AP) will meet to discuss Framework 40 (FW40):

Review specifications alternatives in FW40 and select final preferred alternatives. FW40 will set specifications including the overfishing limit acceptable biological catch/annual catch limit, days-at-sea, access area allocations for Limited Access vessels, quota and access area trip allocation to the Limited Access General Category (LAGC) Individual Fishing Quota component, Total Allowable Landings for the Northern Gulf of Maine management area, a target-Total Allowable Catch for LAGC incidental catch and set-asides for the observer and research programs for fishing year 2026, and default specifications for fishing year 2027. They also plan to review the draft Long-Term Strategic Plan. The AP will develop recommendations for possible 2026 scallop work priorities. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action 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 Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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 14, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–20170 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XF257]

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 meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will hold a public meeting with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Technical Committee.

DATES: The meeting will be held on Tuesday, November 18, 2025, from 10 a.m.–4 p.m. For agenda details, see

SUPPLEMENTARY INFORMATION.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the Council's calendar prior to the meeting at <https://www.mafmc.org>.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; <https://www.mafmc.org>.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council's Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will meet with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Technical Committee via webinar on Tuesday, November 18, 2025, from 10 a.m. until 4 p.m. During this meeting, the Monitoring and Technical Committee will: (1) review recent recreational fishery information for all three species, including Recreation Demand Model predictions of 2026 harvest under 2025 measures; (2) determine the percent change in expected harvest required for each species for 2026–2027 under the Percent Change Approach; (3) for summer flounder and black sea bass, recommend use of coastwide measures or conservation equivalency and associated measures for 2026–2027 (*i.e.*, preferred or non-preferred coastwide measures; precautionary default

measures); (4) for scup, recommend 2026–2027 Federal waters recreational measures; and (5) discuss considerations for adjustments to state measures as needed.

The meeting is 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. 2025–20080 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XF231]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of America (Formerly Gulf of Mexico)

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

ACTION: Notice of issuance of letter of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA regulations for taking marine mammals incidental to geophysical surveys related to oil and gas activities in the Gulf of America (GOA), originally published as "Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico," notification is hereby given that NMFS has modified the Letter of Authorization (LOA) issued to Chevron for the taking of marine mammals incidental to geophysical survey activity in the GOA.

DATES: This LOA is effective October 15, 2025, through April 19, 2026.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: <https://www.fisheries.noaa.gov/marine-mammal-protection/issued-letters-authorization-oil-and-gas-industry-geophysical-survey>. In case of problems accessing these documents, please call the contact listed below (**FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT:

Carter Esch, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:**Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: any act of pursuit, torment, or annoyance which: (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively "industry operators"), in U.S. waters of the GOA ¹

¹ Pursuant to Executive Order 14172, "Restoring Names That Honor American Greatness," and Department of the Interior Secretarial Order 3423, "The Gulf of America," the body of water formerly known as the Gulf of Mexico is now called the Gulf of America. Accordingly, NMFS amended the incidental take regulations to reflect the change. See 90 FR 38001 (August 7, 2025).

over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

The regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

NMFS subsequently discovered that the 2021 rule was based on erroneous take estimates. We conducted another rulemaking using correct take estimates and other newly available and pertinent information relevant to the analyses supporting some of the findings in the 2021 final rule and the taking allowable under the regulations. We issued a final rule in April 2024, effective May 24, 2024 (89 FR 31488, April 24, 2024).

The 2024 final rule made no changes to the specified activities or the specified geographical region in which those activities would be conducted, nor to the original 5-year period of effectiveness. In consideration of the new information, the 2024 rule presented new analyses supporting affirmation of the negligible impact determinations for all species, and affirmed that the existing regulations, which contain mitigation, monitoring,

and reporting requirements, are consistent with the least practicable adverse impact (LPAI) standard of the MMPA.

NMFS issued a LOA to Chevron on August 27, 2025, for the take of marine mammals incidental to a three-dimensional (3D) ocean-bottom node survey in Lease Block Walker Ridge 678 area, effective December 1, 2025, through April 19, 2026. Please see the **Federal Register** notice of issuance (90 FR 42749, September 4, 2025) for additional detail regarding the LOA and the survey activity.

On September 12, 2025, Chevron informed NMFS that its planned survey timing had shifted due to changing survey schedules and vessel availability. Accordingly, they requested a modification to the LOA to reflect the new survey dates. Chevron has requested that the modified LOA effective period begin October 15, 2025, rather than December 1, 2025. There are no other changes to the survey area or plan, which includes a total of 60 days of sound source operation in Zone 7.

Since the survey timing now involves months for which take was not previously assessed, we have updated Chevron's take estimates based on the revised schedule. The monthly distribution of survey days is not known in advance, though we assume that the planned 60 days of source operation would occur contiguously. Take estimates for each species are based on the period that produces the greatest value.

Based on the results of our analysis, NMFS has determined that the level of taking expected for this survey and authorized through the modified LOA is consistent with the findings made for the total taking allowable under the regulations. See table 1 in this notice and table 6 of the rule (89 FR 31488, April 24, 2024).

Small Numbers Determination

Under the rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed "small numbers." In short, when an

acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small (see 89 FR 31535, May 24, 2024). For more information please see NMFS' discussion of small numbers in the 2021 final rule (86 FR 5438, January 19, 2021).

The take numbers for authorization are determined as described above and in the **Federal Register** notice of issuance for the original LOA (90 FR 42749, September 4, 2025). Subsequently, the total incidents of harassment for each species are multiplied by scalar ratios (except in the cases where the take estimate has been rounded up to reflect a group size) to produce a derived product that better reflects the number of individuals likely to be taken within a survey (as compared to the total number of instances of take), accounting for the likelihood that some individual marine mammals may be taken on more than 1 day (see 86 FR 5404, January 19, 2021). The output of this scaling, where appropriate, is incorporated into adjusted total take estimates that are the basis for NMFS' small numbers determinations, as depicted in table 1.

This product is used by NMFS in making the necessary small numbers determinations through comparison with the best available abundance estimates (see discussion at 86 FR 5391, January 19, 2021). For this comparison, NMFS' approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and model-predicted abundance information (<https://seamap.env.duke.edu/models/Duke/GOM/>). Information supporting the small numbers determinations is provided in table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take	Scaled take ¹	Abundance ²	Percent abundance
Rice's whale	0	n/a	51	n/a
Sperm whale	259	110	2,451	4.5
Kogia spp	³ 280	104	1,385	7.5
Beaked whales	105	11	1,038	1.0
Rough-toothed dolphin	820	235	4,853	4.8
Bottlenose dolphin	⁴ 21	n/a	166,538	<0.01
Clymene dolphin	1,691	485	6,136	7.9
Atlantic spotted dolphin	0	n/a	21,506	n/a
Pantropical spotted dolphin	13,206	3,790	50,209	7.5

TABLE 1—TAKE ANALYSIS—Continued

Species	Authorized take	Scaled take ¹	Abundance ²	Percent abundance
Spinner dolphin	4 152	n/a	2,991	5.1
Striped dolphin	4,750	1,363	16,102	8.5
Fraser's dolphin	379	109	1,665	6.5
Risso's dolphin	81	24	1,974	1.2
Blackfish ⁵	3,087	911	9,535	9.5
Short-finned pilot whale	0	n/a	3,277	n/a

¹ Scalar ratios were applied to "Authorized Take" values as described at 86 FR 5322, 5404 (January 19, 2021) to derive scaled take numbers shown here.

² Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Garrison *et al.*, 2023). For Rice's whale, Atlantic spotted dolphin, spinner dolphin, and Risso's dolphin, the estimated SAR abundance estimate is used.

³ Includes 21 takes by Level A harassment and 259 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take (83.3) plus authorized Level A harassment take (20.5).

⁴ Modeled take of bottlenose dolphins (n=6) and spinner dolphins (n=91) increased to account for potential encounter with a group of average size (Maze-Foley and Mullin, 2006).

⁵ The "blackfish" guild includes melon-headed whales, false killer whales, pygmy killer whales, and killer whales.

Based on the analysis contained herein of Chevron's proposed survey activity described in its LOA application, as subsequently modified by Chevron, and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes (*i.e.*, less than one-third of the best available abundance estimate) and therefore the taking is of no more than small numbers.

Authorization

NMFS has determined that the level of taking for this LOA modification request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued a modification to the LOA to Chevron authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: November 13, 2025.

Kimberly Damon-Randall,

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

[FR Doc. 2025–20193 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF281]

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) is scheduling a public meeting of its Scallop Committee via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, November 20, 2025 at 9 a.m. Webinar registration URL information: <https://nefmc-org.zoom.us/meeting/register/Dc15OhNvRIWi62HpbhUWUQ>.

ADDRESSES: Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Committee will meet to discuss Framework 40 (FW40): Review specifications alternatives in FW40 and select final preferred alternatives. FW40 will set specifications including the overfishing limit acceptable biological catch/annual catch limit, days-at-sea, access area allocations for Limited Access vessels, quota and access area trip allocation to the Limited Access General Category (LAGC) Individual Fishing Quota component, Total Allowable Landings for the Northern Gulf of Maine management area, a target-Total Allowable Catch for LAGC incidental catch and set-asides for the observer and research programs for fishing year 2026, and default specifications for fishing year 2027. They also plan to review the draft Long-

Term Strategic Plan. The Committee will develop recommendations for possible 2026 scallop work priorities. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action 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 Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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 14, 2025.

Key Israel Marquez,

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

[FR Doc. 2025–20171 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[RTID 0648–XF332]****Western Pacific Fishery Management Council; Public Meetings**

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

ACTION: Notice of public meeting.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its Fishing Industry Advisory Committee (FIAC), American Samoa Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP), Mariana Archipelago FEP Commonwealth of the Northern Mariana Islands (CNMI) AP, Hawaii Archipelago and Pacific Remote Island Areas (PRIA) FEP AP, and Mariana Archipelago FEP Guam AP to discuss and make recommendations on fishery management issues in the Western Pacific Region.

DATES: The meetings will be held between November 24, 2025, and December 6, 2025. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The Council will hold its FIAC, American Samoa Archipelago FEP AP, Hawaii Archipelago and PRIA FEP AP, Mariana Archipelago FEP CNMI AP, and Mariana Archipelago FEP Guam AP meetings in a hybrid format with in-person and remote participation (Webex) options available for the members and the public. In person attendance (for members and public) for the Hawaii Archipelago and PRIA FEP AP, and FIAC meetings will be hosted at the Council Office, 1164 Bishop St., Suite 1400, Honolulu, Hawaii 96813. In-person attendance for the American Samoa Archipelago FEP AP and public will be hosted at the Tedi of Samoa, Suite 208B, P8C6+V2F, Fagotogo Village, AS 96799. In-person attendance for the Mariana Archipelago FEP CNMI AP and public will be hosted at BRI Building, Suite 205, Kopa Di Oru St., Garapan, Saipan 96950. In-person attendance for the Mariana Archipelago FEP Guam AP and public will be hosted at Cliff Pointe, 304 W. O'Brien Drive, Hagatña, GU 96910. Instructions for connecting to the web conference and providing oral public comments will be posted on the Council website at www.wpcouncil.org. For assistance with the web conference connection, contact the Council office at (808) 522–8220.

FOR FURTHER INFORMATION CONTACT:

Contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The FIAC will be held between 2 p.m. and 5 p.m. (Hawaii Standard Time [HST]) on Monday, November 24, 2025. The American Samoa FEP AP will be held between 6 p.m. and 8 p.m. (Samoa Standard Time [SST]) on Tuesday, December 2, 2025. The Mariana Archipelago FEP CNMI AP will be held between 6 p.m. and 8 p.m. (Chamorro Standard Time [ChST]) on Thursday, December 4, 2025. The Hawaii Archipelago and PRIA FEP AP will be held between 9 a.m. and 1 p.m. (HST) on Friday, December 5, 2025. The Mariana Archipelago FEP Guam AP will be held between 10 a.m. and 12 p.m. noon (ChST) on Saturday, December 6, 2025.

Public Comment periods will be provided in the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for the FIAC Meeting

Monday, November 24, 2025, 2 p.m. to 5 p.m. (HST)

1. Welcome and Introductions
2. Status Report on Previous FIAC Recommendations
3. Roundtable Update on Fishing/Market Issues/Impacts
4. Options for Removing Federal Fishing Prohibitions in the Marianas Trench, Rose Atoll, and Papahānaumokuākea Marine National Monuments (MNM)
5. Recommendations on Commercial Fishing in the Pacific Islands Heritage MNM
6. Recent Legislation
7. Deep Set Longline Biological Opinion Review
8. Update on Electronic Monitoring Implementation
9. Upcoming Western and Central Pacific Fishery Commission Meeting and Industry Issues
10. Council Inflation Reduction Act (IRA) Project Updates
 - A. Scenario Planning
 - B. Regulatory Review
 - C. Protected Species
 - D. Community Consultation
11. Other Business
12. Public Comment
13. Discussion and Recommendations

Schedule and Agenda for the American Samoa Archipelago FEP AP Meeting

Tuesday, December 2, 2025, 6 p.m. to 8 p.m. (SST)

1. Welcome and Introductions
2. Review of the Last AP Recommendation and Meeting
3. Council Fisheries Issues
 - A. Recommendations on Commercial Fishing in the Pacific Islands Heritage MNM
 - B. Options for Removing Federal Fishing Prohibitions in the Rose Atoll MNM
4. Council Inflation Reduction Act (IRA) Project Update
 - A. Scenario Planning
 - B. Regulatory Review
 - C. Protected Species
 - D. Community Consultation
5. Magnuson Stevens Act Research (MSRA) Priorities Review Update
6. American Samoa Territorial Fishery Management Plan
7. Update on Deep Sea Mining Bureau of Ocean Energy Management Visit
8. AP Strategic Planning for 2025
9. Other Business
10. Public Comment
11. Discussion and Recommendations

Schedule and Agenda for the Mariana Archipelago FEP CNMI AP Meeting

Thursday, December 4, 2025, 6 p.m. to 8 p.m. (ChST)

1. Welcome and Introductions
2. Review of the Last AP Recommendation and Meeting
3. Council Fisheries Issues
 - A. Options for Commercial Fishing in the Marianas Trench MNM
 - B. CNMI Bottomfish Annual Catch Limit Specifications for 2026 to 2029
4. Council IRA Project Update
 - A. Scenario Planning
 - B. Regulatory Review
 - C. Protected Species
 - D. Community Consultation
5. MSRA Priorities Review
6. AP Strategic Planning for 2025
7. Other Business
8. Public Comment
9. Discussion and Recommendations

Schedule and Agenda for the Hawaii Archipelago and PRIA FEP AP Meeting

Friday, December 5, 2025, 9 a.m. to 1 p.m. (HST)

1. Welcome and Introductions
2. Review of the Last AP Recommendation and Meeting
3. Council Fisheries Issues
 - A. Recommendations on Commercial Fishing in the Pacific Islands Heritage MNM
 - B. Options for Fishing Prohibitions in the Papahānaumokuākea MNM

4. Council IRA Project Update
- A. Scenario Planning
- B. Regulatory Review
- C. Protected Species
- D. Community Consultation
5. MSRA Priorities Review
6. State of Hawaii Holomua Maui and Hawaii Island Update
7. AP Strategic Planning for 2025
8. Other Business
9. Public Comment
10. Discussion and Recommendations

Schedule and Agenda for the Mariana Archipelago FEP Guam AP Meeting

Saturday, December 6, 2025, 10 a.m. to 12 p.m. (ChST)

1. Welcome and Introductions
2. Review of the Last AP Recommendation and Meeting
3. Council Fisheries Issues
- A. Options for Commercial Fishing in the Marianas Trench MNM
4. Council IRA Project Update
- A. Scenario Planning
- B. Regulatory Review
- C. Protected Species
- D. Community Consultation
5. MSRA Priorities Review
6. Guam Territorial Fishery Management Plan
7. AP Strategic Planning for 2025
- A. Guam Military Working Group Update
8. Other Business
9. Public Comment
10. Discussion and Recommendations

Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: November 14, 2025.

Key Israel Marquez,

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

[FR Doc. 2025–20173 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF322]

Caribbean Fishery Management Council 188th Public Hybrid Meeting

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

ACTION: Notice of public hybrid meeting (in-person/virtual).

SUMMARY: The Caribbean Fishery Management Council (CFMC) will hold the 188th public hybrid meeting to address the items contained in the tentative agenda included in the **SUPPLEMENTARY INFORMATION.**

DATES: The 188th CFMC public hybrid meeting will be held on December 3, 2025, from 9 a.m. to 5 p.m., and on December 4, 2025, from 9 a.m. to 4 p.m. AST. The meeting will be held at the Westin Inn Beach Resort and Spa at Frenchman's Reef, 5 Estate Bakkeroe, St. Thomas, USVI 00801.

ADDRESSES: You may join the 188th CFMC public hybrid meeting via Zoom, from a computer, tablet, or smartphone by entering the following address:

Join Zoom Meeting: <https://us02web.zoom.us/j/84328130219?pwd=65MKg0lyTe4h1Wv1fAKetKTPEdFAcx.1>.

Meeting ID: 843 2813 0219.

Passcode: 856050.

One tap mobile:

+17879667727,,84328130219#,,,,

*856050# Puerto Rico

+19399450244,,84328130219#,,,,

*856050# Puerto Rico

Join instructions: <https://us02web.zoom.us/join/84328130219?signature=b92qQFAEhejZ6qk-OEv5AyZRE1oQnb3iNwa70NWCvK8>.

In case there are problems and we cannot reconnect via Zoom, the meeting will continue using GoToMeeting.

You can join the meeting from your computer, tablet, or smartphone. <https://global.gotomeeting.com/join/971749317>.

You can also dial in using your phone. United States: +1 (408) 650–3123 Access Code: 971–749–317.

FOR FURTHER INFORMATION CONTACT:

Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 398–3717.

SUPPLEMENTARY INFORMATION: The following items included in the tentative agenda will be discussed:

December 3, 2025

9 a.m.–9:30 p.m.

—Call to Order

—Roll Call

—Adoption of Agenda

—Consideration of 187th Council Meeting Verbatim Transcription

—Executive Director's Report

9:30 a.m.–10:15 a.m.

—Fishery Management Plans Amendments, Actions and Priorities

Update for 2026—María López-Mercer, NOAA Fisheries, SERO

10:15 a.m.–10:30 a.m.

—Coffee Break

10:30 a.m.–11 a.m.

—Southeast Fishery Science Center Updates—Kevin McCarthy, Caribbean Fisheries Branch, NOAA Fisheries SEFSC

11 a.m.–12 p.m.

—Scientific and Statistical Committee Report—Vance Vicente, Chair

12 p.m.–1:30 p.m.

—Lunch Break

1:30 p.m.–2:30 p.m.

—St. Croix, St. Thomas and St. John Fishery Spiny Lobster Overfishing Limits, Acceptable Biological Catches, and Annual Catch Limits—María López-Mercer/Graciela García-Moliner

2:30 p.m.–3 p.m.

—Accountability Measure Options for Pelagic Stocks

3 p.m.–3:15 p.m.

—Coffee Break

3:15 p.m.–4:30 p.m.

—Matrix review of stocks—need for conservation and management—Sarah Stephenson, NOAA SERO

4:30 p.m.–4:45 p.m.

—Public Comment Period (5-minute presentations)

4:45 p.m.–5 p.m.

—Adjourn for the day

5 p.m.–5:30 p.m.

—Closed Session

December 4, 2025

9 a.m.–9:30 a.m.

—IRA Updates—Martha Prada, CFMC IRA Coordinator

9:30 a.m.–10:30 a.m.

—Marine Aquaculture Workshop

—Marine Aquaculture NOAA

Guidelines

—Marine Aquaculture Workshop 2026

10:30 a.m.–10:45 a.m.

—Coffee Break

10:45 a.m.–11:30 a.m.

—Outreach and Education Advisory Panel (OEAP) Report—Jannette Ramos, Chair

—CFMC Social Networks—Cristina Olán

- CFMC Liaison Officers Reports
- St. Thomas/St. John, U.S.V.I.—
Nicole Greaux
- Puerto Rico—Wilson Santiago

11:30 a.m.–12 p.m.

- Letter sent to NOAA on E.O. 14276
Restoring America's Seafood
Competitiveness

12 p.m.–1:30 p.m.

- Lunch Break

1:30 p.m.–2:15 p.m.

- District Advisory Panel Reports (15 mins each)
- St. Thomas, U.S.V.I.—Julian Magras, Chair
- St. Croix, U.S.V.I.—Gerson Martinez, Chair
- Puerto Rico—Nelson Crespo, Chair

2:15 p.m.–2:45 p.m.

- Enforcement Reports (10 minutes each)
- Puerto Rico DNER
- U.S.V.I. DPNR
- U.S. Coast Guard
- NOAA Fisheries Office of Law Enforcement

2:45 p.m.–3:15 p.m.

- Upcoming SEDAR 103 Procedural Workshop Updates

3:15 p.m.–3:30 p.m.

- Advisory Bodies Membership

3:30 p.m.–3:45 p.m.

- Other Business

3:45 p.m.–4 p.m.

- Public Comment Period (5-minute presentations)
- Next Meetings

4 p.m.

- Adjourn

Note (1): Other than starting time and dates of the meetings, the established times for addressing items on the agenda may be adjusted as necessary to accommodate the timely completion of discussion relevant to the agenda items. To further accommodate discussion and completion of all items on the agenda, the meeting may be extended from, or completed prior to the date established in this notice. Changes in the agenda will be posted to the CFMC website, Facebook, Twitter, and Instagram as practical.

Note (2): Financial disclosure forms are available for inspection at this meeting, as per 50 CFR part 601.

The order of business may be adjusted as necessary to accommodate the completion of agenda items. The meeting will begin on December 3, 2025

at 9 a.m. AST, and will end on December 4, 2025 at 4 p.m. AST. Other than the start time on the first day of the meeting, interested parties should be aware that discussions may start earlier or later than indicated in the agenda, at the discretion of the Chair.

Special Accommodations

For any additional information on this public virtual meeting, please contact Diana Martino, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 226–8849.

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

Dated: November 14, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–20172 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF154]

Endangered Species; File No. 21516

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

ACTION: Notice; issuance of permit modification.

SUMMARY: Notice is hereby given that NMFS has issued a modification to Incidental Take Permit (ITP) (No. 21516–01) to Virginia Electric and Power Company, d.b.a. Dominion Virginia Power (Dominion) pursuant to the Endangered Species Act (ESA) of 1973, as amended, for the incidental take of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) associated with the otherwise lawful operation of the Dominion Chesterfield Power Station (CPS) in Chesterfield, VA.

ADDRESSES: The modified incidental take permit and other related documents are available on the NMFS Office of Protected Resources website at <https://www.fisheries.noaa.gov/national/endangered-species-conservation/incidental-take-permits>.

FOR FURTHER INFORMATION CONTACT:

Lynn Lankshear, (978) 282–8473, Lynn.Lankshear@noaa.gov.

SUPPLEMENTARY INFORMATION: Section 9 of the ESA and Federal regulations prohibits the “taking” of a species listed as endangered or threatened. The ESA defines “take” to mean harass, harm,

pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances to take listed species when the take is incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA provides for authorizing incidental take of listed species. The regulations for modifying permits and issuing incidental take permits for threatened and endangered species are promulgated at 50 CFR 222.306 and at 50 CFR 222.307.

Background

NMFS issued Permit No. 21516 to Dominion, published on January 11, 2021 (86 FR 1945). NMFS subsequently re-issued the permit with modified permit conditions for operational changes (88 FR 82324; November 24, 2023). NMFS published notice in the **Federal Register** on December 20, 2024, that Dominion had requested further modification of their ITP to allow for the incidental take of eggs from the Chesapeake Bay Distinct Population Segment (DPS) of Atlantic sturgeon (89 FR 104105). NMFS has modified Permit No. 21516–01 to authorize the take by entrainment of up to 18,363 eggs per year belonging to the Chesapeake Bay DPS of Atlantic sturgeon. All of the eggs will be free-floating, non-viable eggs, prior to their entrainment at CPS.

National Environmental Policy Act

Issuing an ESA section 10(a)(1)(B) permit constitutes a federal action requiring NMFS to comply with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) as implemented by NOAA Administrative Order 216–6A, Compliance with the National Environmental Policy Act (2016). NMFS prepared a Supplemental Information Report explaining why the potential impacts to sturgeon and other resources fall within the scope of the 2020 Environmental Assessment (EA) and Finding of No Significant Impact developed in support of the original permit. We concluded that there would be little change in the impacts from this action, relative to those described in the original EA. Further, we concluded that there are no significant new circumstances or information that would result in changes to the impacts of the permit requirements as considered in the previous analyses.

Authority: This notice is provided pursuant to section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*).

Dated: November 13, 2025.

Michael Pentony,

Regional Administrator, Greater Atlantic Regional Fisheries Office, National Marine Fisheries Service.

[FR Doc. 2025–20166 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF299]

South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Meeting of the South Atlantic Fishery Management Council.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of the following: Snapper Grouper Commercial Sub-Committee; Citizen Science Committee; Snapper Grouper Committee, and Joint Habitat & Ecosystem and Shrimp Committee. The meeting week will also include a formal public comment session, a Closed Session meeting of the Full Council, and meetings of the Full Council.

DATES: The Council meeting will be held from 10:45 a.m. on Monday, December 8, 2025, until 12 p.m. on Friday, December 12, 2025.

ADDRESSES:

Meeting address: The meeting will be held at the Hilton Garden Inn Outer Banks/Kitty Hawk, 5353 N Virginia Dare Trail; Kitty Hawk, NC 27949; phone (252) 261–1290. The meeting will also be available via webinar. See

SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone 843/302–8440 or toll free 866/SAFMC–10; FAX 843/769–4520; email: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: Meeting information, including agendas, overviews, and briefing book materials will be posted on the Council's website at: <https://safmc.net/council-meetings/>. Webinar registration links for the meeting will also be available from the Council's website.

Public comment: Public comment on agenda items may be submitted through the Council's online comment form available from the Council's website at: <https://safmc.net/events/december-2025-council-meeting/>. Written comments will be accepted from

November 21, 2025, until December 12, 2025. These comments are accessible to the public, part of the Administrative Record of the meeting, and immediately available for Council consideration. A formal public comment session will also be held during the Council meeting.

The items of discussion in the individual meeting agendas are as follows:

Snapper Grouper Commercial Sub-Committee, Monday, December 8, 2025, 10:45 a.m. Until 12 p.m.

The Snapper Grouper Commercial Sub-Committee will review management measures proposed in Amendment 60 to the Snapper Grouper Fishery Management Plan to address permits and trip efficiency in the commercial fishery.

Council Session I, Monday, December 8, 2025, 1:30 p.m. Until 5 p.m. (CLOSED SESSION)

The Council will meet in closed session to consider applications for open advisory panel seats, appointments relative to the Southeast, Data, Assessment, and Review Program, and discuss optimizing membership of the Scientific and Statistical Committee (SSC) and the Social and Economic Panel and filling a NC state seat on the SSC. The Council will also conduct its annual review of the Executive Director.

Citizen Science Committee, Tuesday, December 9, 2025, 8:30 a.m. Until 10:30 a.m.

The Citizen Science Committee will receive an update and consider adoption of updated research priorities for the Council's Citizen Science Program, provide input on indicators the program should regularly monitor, consider the program's organizational structure, and receive a Citizen Science Projects update.

Full Council Session 1, Tuesday, December 9, 2025, 10:45 a.m. Until 5 p.m.

The Council will receive a litigation brief and receive reports from law enforcement, Council staff, Council liaisons, state agencies, Lines of Communication meetings held in Georgia in November 2025, and the National Marine Fisheries Service (NMFS). The Council is also scheduled to receive a presentation on revisions to the Marine Recreational Information Program's Fishing Effort Survey, and presentations from NMFS' Southeast Regional Office (SERO) on updates to the Permitting System and one-stop reporting for Federal permit holders.

Snapper Grouper Committee, Wednesday, December 10, 2025, 8:30 a.m. Until 3:45 p.m. and Thursday, December 11, 2025, 8:30 a.m. Until 3:45 p.m.

The Committee will receive an update on rule making from NMFS SERO, an Exempted Fishing Permit (EFP) applications briefing for applications not pertaining to state management of red snapper, and a Stock Assessment and Fishery Evaluation (SAFE) Report update. The Committee will also receive updates on state management of red snapper, including EFP requests from each state and Year 1 of the Florida Fish and Wildlife Conservation Commission's Red Snapper EFP Program. The Committee will also receive a briefing on the South Atlantic Red Snapper Research Program.

The Committee will review public hearing comments relative to management measures proposed for black sea bass in Regulatory Amendment 37 to the Snapper Grouper Fishery Management Plan (FMP) and consider final approval for Secretarial Review. The Committee will review advisory panel recommendations for Abbreviated Framework 5 to the Snapper Grouper FMP addressing catch levels for blueline tilefish and consider approval for Secretarial Review, as well as advisory panel recommendations for Amendment 61 addressing revisions to the Snapper Grouper Fishery Management Unit and Amendment 44 addressing management measures for Yellowtail Snapper and Mutton Snapper. The Committee will review SSC recommendations on the Management Strategy Evaluation (MSE) for the Snapper Grouper Fishery, receive an update on the development of the MSE, and an update on an MSE for the wreckfish fishery.

The Committee will receive a presentation on a revised assessment for golden tilefish, consider recommendations from its SSC, and consider resuming work on Abbreviated Framework Amendment 4 to adjust catch levels for golden tilefish. The Committee will receive recommendations from the SSC on items not on the agenda, discuss goalposts and principles for an Innovation Plan for the Snapper Grouper Fishery and determine next steps.

Wednesday, December 10, 2025, 4 p.m.

Public comment will be accepted from individuals attending the meeting in person and via webinar on all items on the Council meeting agenda. The Council Chair will determine the

amount of time provided to each commenter based on the number of individuals wishing to comment.

Joint Habitat & Ecosystem and Shrimp Committees, Thursday, December 11, 2025, 4 p.m. Until 5 p.m.

The Committees will receive an overview of a draft comprehensive amendment (Coral Amendment 11 and Shrimp Amendment 12) addressing a shrimp access area along the Oculina Bank Habitat Area of Particular Concern and consider final approval for Secretarial Review.

Council Session II, Friday, December 12, 2025, 8:30 a.m. Until 12 p.m.

The Council will receive Committee reports, review the Council Workplan and upcoming meetings, and discuss any other business as needed.

Documents regarding these issues are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice

that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

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

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

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

Dated: November 13, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–20048 Filed 11–17–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–01]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–01, Policy Justification, and Sensitivity of Technology.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

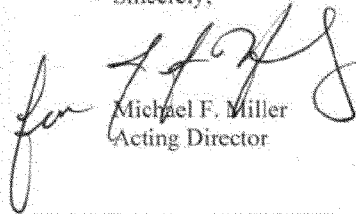
AUG 13 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-01, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Israel for defense articles and services estimated to cost \$18.82 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,


Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 24-01

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Israel

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$ 9.29 billion.
Other	\$ 9.53 billion
TOTAL	\$18.82 billion

Funding Source: Foreign Military Financing

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of Israel has requested to buy new F-15IA multi-role fighter aircraft, as well as Mid-Life Update modification kits for its existing twenty-five (25) F-15I multi-role fighter aircraft. This notification includes:

Major Defense Equipment (MDE):
Up to fifty (50) F-15IA aircraft

One hundred twenty (120) F110-GE-129 engines
Ninety (90) Advanced Display Core Processors II
Seventy-five (75) APG-82(V)1 Active Electronically Scanned Array radars
Fifty (50) AN/AAQ-13 LANTIRN navigation pods with containers
Three-hundred twenty (320) LAU-128 Advanced Medium Range Air-to-Air Missile launchers
Twenty-five (25) M61A Vulcan Cannons
One hundred eighty (180) Embedded Global Positioning System/Inertial Navigation System devices with M-Code

Non-MDE:

Also included are Cartridge Actuated Devices and Propellant Actuated Devices; Joint Helmet Mounted Cueing Systems; APX-119 Identification Friend or Foe (IFF) systems; KIV-77 Mode 4/5 IFF cryptographic appliques; AN/PYQ-10 Simple Key Loaders; impulse cartridges, chaff, and flares;

integration and test support and equipment; aircraft and munitions support and support equipment; secure communications equipment, precision navigation, and cryptographic devices; classified software development, delivery, and support; spare parts, consumables and accessories, and repair and return support; major and minor modifications, maintenance, and maintenance support; facilities and construction support; transportation and airlift support; classified publications and technical documentation; personnel training and training equipment; warranties; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (IS-D-SAH)

(v) *Prior Related Cases, if any:* IS-D-SPD

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* August 13, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Israel—F-15IA and F-15I+ Aircraft

The Government of Israel has requested to buy up to fifty (50) new F-15IA multi-role fighter aircraft, as well as Mid-Life Update modification kits for its existing twenty-five (25) F-15I multi-role fighter aircraft; one hundred twenty (120) F110-GE-129 engines; ninety (90) Advanced Display Core Processors II; seventy-five (75) APG-82(V)1 Active Electronically Scanned Array radars; fifty (50) AN/AAQ-13 LANTIRN navigation pods with containers; three-hundred twenty (320) LAU-128 Advanced Medium Range Air-to-Air Missile launchers; twenty-five (25) M61A Vulcan cannons; and one hundred eighty (180) Embedded Global Positioning System/Inertial Navigation System devices with M-Code. Also included are Cartridge Actuated Devices and Propellant Actuated Devices; Joint Helmet Mounted Cueing Systems; APX-119 Identification Friend or Foe (IFF) systems; KIV-77 Mode 4/5 IFF cryptographic appliques; AN/PYQ-10 Simple Key Loaders; impulse cartridges, chaff, and flares; integration and test support and equipment; aircraft and munitions support and support equipment; secure communications equipment, precision navigation, and cryptographic devices; classified software development, delivery, and support; spare parts, consumables and accessories, and repair and return support; major and minor modifications, maintenance, and maintenance support; facilities and construction support; transportation and airlift support; classified publications and technical documentation; personnel training and training equipment; warranties; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$18.82 billion.

The United States is committed to the security of Israel, and it is vital to U.S. national interests to assist Israel to develop and maintain a strong and ready self-defense capability. This proposed sale is consistent with those objectives.

The proposed sale will improve Israel's capability to meet current and future enemy air-to-air and air-to-ground threats, strengthen its homeland defense, and serve as a deterrent to regional threats. Israel will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be The Boeing Corporation, located in St. Louis, MO. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will require the assignment of five additional U.S. Government representatives and one U.S. contractor representative to Israel for a duration of approximately eight years to support modification of the F-15I+, provide security for classified equipment, and provide technical assistance, familiarization, and training for Israel's F-15IA and F-15I+ programs.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-01

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The F-15IA aircraft is a two-seat, twin-engine, all-weather, dual-role, advanced long-range interdiction and tactical aircraft based on the F-15E airframe. It features advanced avionics, electronic warfare, and self-protection systems, along with superior weapons payload. The F-15IA can be employed in air superiority, interdiction, close air support, and escort roles.

2. General Electric F110-GE-129 engines are afterburning turbofan jet engines that power the F-15 and deliver 29,100 pound (131 kN) thrust.

3. The Advanced Display Core Processor II is the central aircraft computer of the F-15. It serves as the hub for all aircraft subsystems and avionics data transfer.

4. The AN/APG-82(V) 1 is an Active Electronically Scanned Array radar upgrade for the F-15. It includes higher processor power, higher transmission power, more sensitive receiver electronics, and synthetic aperture radar, which creates higher-resolution ground maps from a greater distance than existing mechanically scanned array radars. The upgrade features an

increase in detection range of air targets, increases in processing speed and memory, as well as significant improvements in all modes.

5. The LANTIRN (AN/AAQ-13) is a navigation pod that provides high-speed penetration and precision attack assistance in all flying conditions. The pod uses a terrain-following radar and a fixed infrared sensor to display an image of the terrain in front of the aircraft on a heads-up display.

6. The LAU-128 missile launcher provides a mechanical and electrical interface between AIM-120 Advanced Medium Range Air-to-Air Missiles and the aircraft.

7. The M61 20mm Vulcan Cannon is a six-barreled automatic cannon chambered in 20 x 120mm with a cyclic rate of fire from 2,500–6,000 shots per minute. This weapon is a hydraulically powered air-cooled Gatling gun used to damage and destroy aerial targets, suppress and incapacitate personnel targets, and damage and destroy moving and stationary light materiel targets.

8. The M-Code capable Embedded Global Positioning System (GPS)/Inertial Navigation System, with an embedded GPS Precise Positioning Service Receiver Application Module-Standard Electronic Module, is a self-contained navigation system that provides acceleration, velocity, position, attitude, platform azimuth, magnetic and true heading, altitude, body angular rates, time tags, and coordinated universal time synchronized time. The embedded GRAM-S/M enables access to both the encrypted P(Y) and M-Code signals, providing protection against active spoofing attacks, enhanced military exclusivity, integrity, and anti-jam capabilities.

9. The Joint Helmet Mounted Cueing System is a modified HGU-55/P helmet that incorporates a visor-projected Heads-Up Display to cue weapons and aircraft sensors to air and ground targets, enabling the pilot to monitor aircraft information without interrupting field of view through the cockpit canopy. The system uses a magnetic transmitter unit fixed to the pilot's seat and a magnetic field probe mounted on the helmet to define helmet pointing positioning. A Helmet Vehicle Interface interacts with the aircraft system bus to provide signal generation for the helmet display.

10. The AN/APX-119 is an Identification Friend or Foe (IFF) transponder that provides military aircraft with a secure combat identification capability to help reduce fratricide and enhance battlespace awareness, while providing safe access to civilian airspace.

11. The KIV-77 is a cryptographic applique for IFF. It can be loaded with Mode 5 classified elements.

12. The AN/PYQ-10 Simple Key Loader is a handheld device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

13. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

14. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

15. A determination has been made that Israel can provide substantially the same degree of protection for the

sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

16. All defense articles and services listed in this transmittal have been authorized for release and export to Israel.

[FR Doc. 2025-20065 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-41]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 22-41, Policy Justification, and Sensitivity of Technology.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-41, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Egypt for defense articles and services estimated to cost \$740 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001-FR-C

Transmittal No. 22-41

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Egypt

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$720 million
Other	\$ 20 million

TOTAL	\$740 million

Funding Source: Foreign Military Financing

(iii) *Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase:*

Major Defense Equipment (MDE):

Seven hundred twenty (720) Stinger missiles for exclusive use on vehicle-based Avenger systems, as well as twenty (20) Product Verification Flight Test (PVFT) munitions

Non-Major Defense Equipment:

The following non-MDE items will also be included: spare and repair parts; testing equipment; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support.

(iv) *Military Department:* Army (EG-B-VBK)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* September 24, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt—Stinger Missiles

The Government of Egypt has requested to buy seven hundred twenty (720) Stinger missiles for vehicle-based use on existing Avenger systems, including twenty (20) Product Verification Flight Test (PVFT)

munitions. The following non-MDE items will also be included: spare and repair parts; testing equipment; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support. The total estimated cost is \$740 million.

This proposed sale will support U.S. foreign policy and national security objectives by helping to improve the security of a friendly country that continues to be an important force for political stability and economic growth in the Middle East.

The proposed sale will improve Egypt's capability to meet current and future threats by enhancing Egypt's ability to defend itself against regional malign actors and improve interoperability with systems operated by U.S. forces and other regional security partners. Egypt's continued investment in its defensive capabilities is crucial to protecting its borders, transportation infrastructure, and its residents. Egypt will have no difficulty absorbing Stinger missiles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be RTX Corporation, located in Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Egypt.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22-41

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Stinger-Reprogrammable

Microprocessor (RMP) Block I Missile.

The Stinger missile is a lightweight, self-contained air defense system that can be rapidly deployed by ground troops. Its seeker and guidance systems enable the weapon to acquire, track and engage a target with one shot.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Government of Egypt can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Egypt.

[FR Doc. 2025-20027 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-68]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-68, Policy Justification.

Dated: November 14, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

August 23, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-68, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense services estimated to cost \$300 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification

BILLING CODE 6001-FR-C

Transmittal No. 24-68

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Australia

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$ 0 million
Other	\$300 million

TOTAL	\$300 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
None

Non-Major Defense Equipment:

The following non-MDE items will be included: AH-64E Apache sustainment support services; U.S. Government and contractor engineering, technical, and logistics support services; technical data and publications; personnel training; and other related elements of

logistics, and program support.

(iv) *Military Department:* Army (AT-B-UMW)

(v) *Prior Related Cases, if any:* AT-B-ULV

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* August 23, 2024

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia—AH-64E Apache Sustainment Support Services

The Government of Australia has requested to buy AH-64E Apache sustainment support services, including U.S. Government and contractor engineering, technical, and logistics support services; technical data and publications; personnel training; and

other related elements of logistics, and program support. The estimated total cost is \$300 million.

This proposed sale will support the foreign policy and national security objectives of the United States. Australia is one of our most important allies. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the Western Pacific. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale will improve Australia's capability to meet current and future threats by providing the necessary sustainment support to successfully employ its AH-64E Apache helicopters. It will also improve Australia's capability to support coalition operations and contribute to mutual security goals in the region. Australia will have no difficulty absorbing this equipment and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be The Boeing Company, located in Mesa, AZ, and Lockheed Martin, located in Orlando, FL. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of up to four U.S. Government and contractor representatives to Australia for a duration of up to five years to support sustainment of the AH-64E Apache.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2025-20145 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-61]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-61, Policy Justification, and Sensitivity of Technology.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY

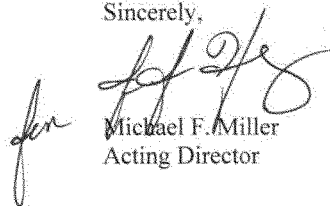
2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-61, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Denmark for defense articles and services estimated to cost \$121 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,


Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 24–61

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Denmark

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$105 million
Other	\$ 16 million

TOTAL	\$121 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Three hundred thirty-nine (339)

M982A1 Excalibur tactical projectiles

Non-MDE:

Also included are Portable Electronic Fire Control Systems (PEFCS); Improved Platform Integration Kits (iPIK); Simple Key Loaders (SKLs); extractors; Surface Danger Zones (SDZs); training for new equipment; spare parts; U.S. Government technical assistance; technical data; repair and return services; and other related elements of logistics and program support.

(iv) *Military Department:* Army (DE–B–VME)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services*

Proposed to be Sold: See Attached Annex

(viii) *Date Report Delivered to Congress:* August 20, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION**Denmark—Excalibur Projectiles**

The Government of Denmark has requested to buy three hundred thirty-nine (339) M982A1 Excalibur tactical projectiles. Also included are Portable Electronic Fire Control Systems (PEFCS); Improved Platform Integration Kits (iPIK); Simple Key Loaders (SKLs); extractors; Surface Danger Zones (SDZs); training for new equipment; spare parts; U.S. Government technical

assistance; technical data; repair and return services; and other related elements of logistics and program support. The estimated cost is \$121 million.

This proposed sale will enhance the foreign policy and national security objectives of the United States by helping to improve the security of a NATO Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve Denmark's capability to meet current and future threats by providing precision capability equipment and increasing first strike accuracy in its brigades. Denmark will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be RTX Corporation, located in Tucson, Arizona. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Denmark.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–61

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The M982A1 Excalibur 155 mm High Explosive projectile is an all-up projectile with global positioning system (GPS) aided precision guidance capability provided by either Selective Availability Anti-Spoofing Module (SAASM) or M-Code. The Excalibur provides the ability to accurately engage targets at distances up to 25 miles. Excalibur is commonly fired from U.S. Army and Marine Corps towed and self-propelled howitzer systems, including the M777 and M109.

2. The highest level of classification of defense articles, components, and

services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Denmark can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Denmark.

[FR Doc. 2025–20082 Filed 11–17–25; 8:45 am]

BILLING CODE 6001–FR–P**DEPARTMENT OF DEFENSE****Office of the Secretary**

[Transmittal No. 24–0J]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–0J.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



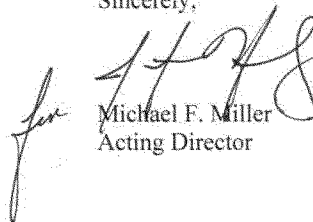
DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-0J. This transmittal notifies a cost increase in excess of the total value previously described in the Section 36(b)(1) AECA certification 20-76 of September 24, 2020.

Sincerely,



Michael F. Miller
Acting Director

Enclosure:
1. Transmittal

Transmittal No. 24-0J

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(b)(5)(C), AECA)**

(i) *Purchaser:* Government of the United Kingdom.

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 20-76.

Date: September 24, 2020.

Implementing Agency: Air Force.

(iii) *Description:* On September 24, 2020, Congress was notified by congressional certification transmittal number 20-76 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of follow-on C-17 aircraft Contractor Logistical Support (CLS) to include aircraft component spare and repair parts; accessories; publications and technical documentation; software and software support; U.S. Government and contractor engineering, technical and logistical support services; and other related elements of logistical and program support. The total estimated program cost was \$401.3 million. There

was no Major Defense Equipment (MDE) associated with this sale.

On May 23, 2023, Congress was notified by congressional certification transmittal number 0G-23 of the addition of \$0.7 million in non-MDE beyond what was originally notified, as well as the following non-MDE items: Mission Computer Displays and keyboards; additional spare parts, consumables, and accessories and repair and return support; and GPS receivers. The total cost of the new non-MDE articles was \$3.4 million. The total case value increased to \$405.4 million. There continued to be no MDE associated with this sale.

This transmittal notifies an increase in non-MDE value by \$654.6 million, due to recent cost increases. This will result in a new non-MDE and overall total case value of \$1.06 billion. There continues to be no MDE associated with this potential sale.

(iv) *Significance:* Recent cost increases have brought about the need to add value to the original notification. The proposed sale will improve the United Kingdom's capability to meet current and future threats by ensuring

the operational readiness of the Royal Air Force. Its C-17 aircraft fleet provides strategic airlift capabilities that directly support U.S. and coalition operations around the world.

(v) *Justification:* This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a key NATO Ally that is an important force for political stability and economic progress in Europe.

(vi) *Date Report Delivered to Congress:* August 14, 2024

[FR Doc. 2025-20031 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-0N]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or

dscn.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a

copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-0N.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

August 13, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-0N. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 23-84 of December 1, 2023.

Sincerely,

Michael F. Miller
Acting Director

Enclosure:

1. Transmittal

Transmittal No. 24-0N

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C), AECA)**

(i) *Purchaser:* Government of Australia

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 23-84

Date: December 1, 2023

Implementing Agency: Navy

(iii) *Description:* On December 1, 2023, Congress was notified by congressional notification transmittal number 23-84, of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of articles and services in support of the Trilateral AUKUS Pillar I program. Included were training devices, personnel training,

planning, and Non-Recurring Engineering (NRE) services; support equipment; special tools; training software/and courseware; design; supply chain and industrial base support; facilities and construction support; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; test and trials support; studies and surveys; other related elements of engineering, and repair services for associated equipment and program support; and other related elements of logistic and program support. U.S. training of private Australian industry personnel will occur only after explicitly authorized by the U.S. Department of

State under U.S. law. The total estimated value was \$2 billion. There was no Major Defense Equipment (MDE) associated with this sale.

This transmittal reports the addition of the following non-MDE items: planning analysis and proposed training requirements for military personnel, government civilians, and non-dual national contractors; and consultation, analysis, vendor support, design support, and additional efforts required by the Australian Submarine Agency (ASA) to sustain, operate, maintain, design, and build sovereign nuclear submarines. There is no MDE being reported with this notification, and as such the total MDE value remains \$0. The total estimated cost of the new non-MDE is \$145 million; however, this will

not result in a net increase in the estimated total cost of non-MDE. The total case value remains \$2 billion.

(iv) *Significance*: The proposed articles and services will support Australia to effectively maintain its force projection capability and enhances interoperability with U.S. forces well into the future.

(v) *Justification*: This proposed sale will support the foreign policy and national security objectives of the United States. Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

(vi) *Sensitivity of Technology*: The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress*: August 13, 2024

[FR Doc. 2025-20037 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-67]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dscn.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-67, Policy Justification, and Sensitivity of Technology.

Dated: November 14, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY

2800 Defense Pentagon
Washington, DC 20301-2800

August 19, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-67, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Finland for defense articles and services estimated to cost \$70 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 24–67

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Finland

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$58 million
Other	\$12 million

TOTAL	\$70 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales (FMS) case FI–B–VBG was below congressional notification threshold at \$.97 million (no Major Defense Equipment (MDE)) and included technical data/reports; U.S. Government technical assistance; incidental travel; transportation; Precision Guidance Kit (PGK) spare parts; equipment training; and related elements of logistics and program support. The Government of Finland has requested the case be amended to include five thousand five hundred (5,500) M1156A1 PGK multi-option fuzes. This amendment will push the current case above the MDE notification threshold and thus requires notification of the entire case.

Major Defense Equipment (MDE):

Five thousand five hundred (5,500)

M1156A1 PGK multi-option fuzes

Non-Major Defense Equipment:

The following non-MDE items will also be included: technical data/reports; U.S. Government technical assistance; incidental travel; transportation; PGK spare parts; equipment training; ancillary items; compatibility testing; firing tables; integration kits; antennas; key loaders; precision-guided munition simulator; technical assistance; and other related elements of logistics and program support.

(iv) *Military Department:* Army (FI–B–VBG)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* August 19, 2024

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Finland—M1156A1 Precision Guidance Kits

The Government of Finland has requested to buy five thousand five

hundred (5,500) M1156A1 Precision Guidance Kit (PGK) multi-option fuzes that will be added to a previously-implemented case whose value was under the congressional notification threshold. The original Foreign Military Sales (FMS) case, valued at \$.97 million, included technical data/reports; U.S. Government technical assistance; incidental travel; transportation; PGK spare parts; equipment training; and related elements of logistics and program support. This notification includes the original aforementioned items and adds five thousand five hundred (5,500) M1156A1 PGK multi-option fuzes. The following non-MDE items will also be included: ancillary items; compatibility testing; firing tables; integration kits; antennas; key loaders; precision-guided munition simulator; technical assistance; technical data/reports; and other related elements of logistics and program support. The estimated total program cost is \$70 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO Ally that is an important force for political stability and economic progress in Europe.

The proposed sale will improve Finland's capability to meet current and future threats and enhance its interoperability with U.S. and other allied forces. This proposed sale will enhance Finland's artillery and mid-range fire capability. Finland will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Northrop Grumman Innovation Systems, located in Dulles, VA. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Finland.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–67

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) *Sensitivity of Technology:*

1. The M1156A1 Precision Guidance Kit (PGK) is a cannon artillery fuze

which uses the Global Positioning System to increase the delivery accuracy of standard 155 mm high explosive ammunition. The NA37 M1156A1 includes M-code capability. It is also a height-of-burst fuze in that it uses a proximity sensor to cause the round to burst in the air over the enemy, increasing lethality.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Finland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Finland.

[FR Doc. 2025–20144 Filed 11–17–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–60]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–60, and Policy Justification.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY

2800 Defense Pentagon
Washington, DC 20301-2800

SEP 24 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-60, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Iraq for defense articles and services estimated to cost \$65 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001-FR-C

Transmittal No. 24-60

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Iraq

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$ 0
Other	\$65 million

TOTAL \$65 million

Funding Source: Foreign Military Financing

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign

Military Sales case IQ-P-GAZ was below congressional notification threshold at \$39 million (\$0 in MDE) and included follow-on technical support (FOTS) for Iraq's vessel maintenance and repair (VMR) program and fuel for quarterly tri-lateral exercises conducted by the United States, Kuwait, and Iraq. The Government of Iraq has requested that the case be amended to allow for the continuance of FOTS for the VMR program. This amendment will cause the case to exceed the notification threshold, and thus notification of the entire program is required. The above notification requirements are combined as follows:

Major Defense Equipment (MDE):

None

Non-MDE:

FOTS of the VMR program, which may include ship repair; maintenance; sustainment; support services; repair; upgrades; overhaul services; associated labor and support; U.S. Government and contractor engineering, technical, and logistics support services of off-shore vessels, patrol boats and defenders of U.S. origin; fuel for quarterly tri-lateral exercises; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (IQ-P-GAZ)

(v) *Prior Related Cases, if any:* IQ-P-GAV

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* September 24, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Iraq—Follow-On Technical Support for Vessel Maintenance and Repair

The Government of Iraq has requested to buy additional services that will be added to a previously implemented case whose value was under the congressional notification threshold. The original Foreign Military Sales case, valued at \$39 million, included follow-on technical support (FOTS) for vessel maintenance and repair (VMR), which may include ship repair; maintenance; sustainment; support services; repair; upgrades; overhaul services; associated labor and support; U.S. Government and contractor engineering, technical, and logistics support services of off-shore vessels, patrol boats and defenders of U.S. origin; fuel for quarterly tri-lateral

exercises; and other related elements of logistics and program support. This notification is for the continuation of this support and services. The estimated total cost is \$65 million.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a strategic partner.

The proposed sale will improve Iraq's capability to meet current and future threats by enhancing the strength of its homeland defense. Iraq will have no difficulty absorbing these services into its armed forces.

The proposed sale of this equipment and services will not alter the basic military balance in the region.

The principal contractor will be Amentum, located in Chantilly, VA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of approximately sixty-five contractor representatives from various nationalities to be stationed in Iraq annually to support the VMR program.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2025–20081 Filed 11–17–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–79]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–79, Policy Justification, and Sensitivity of Technology.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

July 31, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-79, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Slovakia for defense articles and services estimated to cost \$600 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 23-79

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Slovakia

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$250 million
Other	\$350 million

TOTAL	\$600 million

Funding Source: FMF Grant and National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Twelve (12) AH-1Z attack helicopters
Twenty-six (26) T-700 GE 401C engines (24 installed, 2 spares)
One thousand six hundred eighty (1,680) Advanced Precision Kill Weapon Systems (APKWS), WGU-59/B

Fourteen (14) Honeywell embedded global positioning systems (GPS)/inertial navigation systems (INS) (EGIs) (12 installed, 2 spares)

Non-Major Defense Equipment:

The following non-MDE items will also be included: support and test equipment; aircraft; weapons and munitions; countermeasures; integration and test support; spare and repair parts; communications equipment; mission planning; software delivery and support; Helmet Mounted Display System/Optimized TopOwl, Target Sight Systems and containers, technical refresh mission computers; ANVIS-9 night vision cueing displays; AN/ARC-210 Generation 6 receiver-transmitter 2036 radio equipment; AN/APX-123A identification friend or foe (IFF) Mode 5 mounting trays and batteries; cartridge actuated devices/propellant actuated devices (CAD/PADs); facilities and

construction support; transportation; publications and technical documentation; personnel training and training equipment; countermeasures, including M299 launchers, LAU-61C/A and LAU-68F/A rocket launchers, M151 high explosive warheads for airborne 2.75 inch rockets; MK66 MOD 4, 2.75-inch rocket motors; WTU-1B warheads; M197 20 mm armament pod gun assemblies; 20 mm PGU-27A/B target practice rounds; 20 mm PGU-28A/B semi armor piercing high explosive incendiary rounds; AN/ALE-47 chaff and flare countermeasures system; MJU-32A/B and MJU-49B decoy flares; SMB875B/ALE flare simulators; RR-129A/AL chaff cartridges; RR-144A/AL training chaff cartridges; CCU-136A/A impulse cartridges; AN/AAR-47 missile warning system; AN/APR-39C radar warning receiver and conversion

kits; KIV-78A cryptographic appliques; AN/PYQ-10C Simple Key Loader with KOV-21 cryptographic card; U.S. Government and contractor engineering; field service representative services; technical and logistical support services; studies and surveys; and other related elements of logistics and program support.

(iv) *Military Department*: Navy (LO-P-SAB)

(v) *Prior Related Cases, if any*: None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid*: None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold*: See Attached Annex

(viii) *Date Report Delivered to Congress*: July 31, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Slovakia—AH-1Z Attack Helicopters

The Government of Slovakia has requested to buy twelve (12) AH-1Z attack helicopters; twenty-six (26) T-700 GE 401C engines (24 installed, 2 spares); one thousand six hundred eighty (1,680) Advanced Precision Kill Weapon Systems (APKWS), WGU-59/B; and fourteen (14) Honeywell embedded global positioning systems (GPS)/inertial navigation systems (INS) (EGIs) (12 installed, 2 spares). The following non-MDE items will also be included: support and test equipment; aircraft; weapons and munitions; countermeasures; integration and test support; spare and repair parts; communications equipment; mission planning; software delivery and support; Helmet Mounted Display System/Optimized TopOwl, Target Sight Systems and containers; technical refresh mission computers; ANVIS-9 night vision cueing displays; AN/ARC-210 Generation 6 receiver-transmitter 2036 radio equipment; AN/APX-123A identification friend or foe (IFF) Mode 5 mounting trays and batteries; cartridge actuated devices/propellant actuated devices (CAD/PADs); facilities and construction support; transportation; publications and technical documentation; personnel training and training equipment; countermeasures, including M299 launchers, LAU-61C/A and LAU-68F/A rocket launchers, M151 high explosive warheads for airborne 2.75 inch rockets; MK66 MOD 4, 2.75-inch rocket motors; WTU-1B warheads; M197 20 mm armament pod gun assemblies; 20 mm PGU-27A/B target practice rounds; 20 mm PGU-28A/B

semi armor piercing high explosive incendiary rounds; AN/ALE-47 chaff and flare countermeasures system; MJU-32A/B and MJU-49B decoy flares; SMB875B/ALE flare simulators; RR-129A/AL chaff cartridges; RR-144A/AL training chaff cartridges; CCU-136A/A impulse cartridges; AN/AAR-47 missile warning system; AN/APR-39C radar warning receiver and conversion kits; KIV-78A cryptographic appliques; AN/PYQ-10C Simple Key Loader with KOV-21 cryptographic card; U.S. Government and contractor engineering; field service representative services; technical and logistical support services; studies and surveys; and other related elements of logistics and program support. The estimated total cost is \$600 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve Slovakia's capability to meet current and future threats by providing the Slovak Air Force with aircraft to meet its national defense needs. Slovakia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Bell Textron, located in Fort Worth, TX; and the General Electric Company, located in Lynn, MA. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will require multiple trips by U.S. Government and contractor representatives to Slovakia to participate in program and technical reviews, as well as training and maintenance support in-country, on a temporary basis, for a period of twenty-four (24) months. It will also require approximately two (2) contractor support representatives to reside in-country for a period of two (2) years to support this program.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 23-79

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology*:

1. The AH-1Z has an integrated avionics system which includes two mission computers and an automatic flight control system. Each crew station has two 8x6-inch multifunction liquid crystal displays (LCDs) and one 4.2x4.2-inch dual function LCD. The communications suite will have COMSEC ARC 210 ultra high frequency/very high frequency (UHF/VHF) radios with associated communications equipment. The navigation suite includes a Precise Positioning System (PPS), Honeywell embedded global positioning systems (GPS)/inertial navigation systems (INS) (EGIs) provided by Selective Availability Anti-Spoofing Module (SAASM) or M-Code, a digital map system, and a low-air speed air data subsystem.

The crew is equipped with the Optimized TopOwl (OTO) helmet-mounted sight and display system. The OTO has a Day Display Module (DDM) and a Night Display Module (NDM). The H-1 has survivability equipment including the AN/AAR-47 missile warning and laser detection system, AN/ALE-47 countermeasure dispensing system, and the AN/APR-39 radar warning receiver to provide radar and laser warning, and dispense countermeasures.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Government of Slovakia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Slovakia.

[FR Doc. 2025-20038 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE**Office of the Secretary**

[Transmittal No. 24–0T]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is

published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–0T.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 DEFENSE PENTAGON
WASHINGTON, DC 20301-2800

September 25, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24–0T. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 22–71 of December 6, 2022.

Sincerely,

Michael F. Miller
Director

Enclosure:
1. Transmittal

Transmittal No. 24–0T

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(b)(5)(C), AECA)**

(i) *Purchaser:* Government of Poland
(ii) *Sec. 36(b)(1), AECA Transmittal*
No.: 22–71

Date: December 6, 2022

Implementing Agency: Army

Funding Source: National Funds

(iii) *Description:* On December 6, 2022, Congress was notified by congressional certification transmittal number 22–71 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of one hundred

sixteen (116) M1A1 Abrams Main Battle Tanks; twelve (12) M88A2 HERCULES Combat Recovery Vehicles; eight (8) M1110 Joint Assault Bridges; six (6) M577A3 Command Vehicles; twenty-six (26) M1152A1 High Mobility Multi-purpose Wheeled Vehicles (HMMWV); twenty-six (26) M1279A1 Joint Light Tactical Vehicles (JLTV); one hundred sixteen (116) M2 .50 caliber machine guns; two hundred thirty-two (232) M240 7.62mm machine guns; six (6) AGT1500 gas turbine engines; thirty thousand nine hundred twenty-eight (30,928) 120mm M865 Target Practice, Cone Stabilized, Discarding Sabot—Tracer (TPCSDS–T) cartridges; twenty

thousand eight hundred twenty-three (20,823) 120mm M1002 Target Practice Multipurpose Tracer (TPMP–T) projectiles; sixty thousand (60,000) 120mm M829A4 Armor Piercing, Fin Stabilized, Discarding Sabot-Tracer (APFSDS–T) cartridges; two thousand (2,000) 120mm M829A3 Armor Piercing, Fin Stabilized, Discarding Sabot-Tracer (APFSDS–T) cartridges; fifty thousand (50,000) 120mm M829A2 Armor Piercing, Fin Stabilized, Discarding Sabot-Tracer (APFSDS–T) Cartridges; ten thousand (10,000) 120mm M830A1 High Explosive Anti-Tank (HEAT) TP–T cartridges; sixty thousand (60,000) 120mm M908 High

Explosive Obstacle Reduction-Tracer (HE-OR-T) cartridges; and seventy thousand (70,000) 120mm M1147 High Explosive Advanced Multipurpose Round cartridges. Also included were Forward Repair Systems; Next Generation (NG) Shop Equipment Maintenance Contact (SECM) shelters; communications equipment; GPS receivers; ammunition; Spare and Repair Parts; Special Tools and Test Equipment (STTE); technical manuals and publications; new equipment training; U.S. Government and contractor technical engineering, logistics, and personnel services; and other related elements of logistics and program support. The estimated total cost was \$3.75 billion. Major Defense Equipment (MDE) constituted \$3.25 billion of this total.

This transmittal notifies inclusion of the following MDE items: twenty-five (25) M1150 Assault Breacher Vehicles (ABVs); thirty-seven (37) M2 .50 caliber machine guns; sixty thousand (60,000) 120 mm M908 High Explosive Obstacle Reduction—Tracer (HE-OR-T) cartridges; thirty (30) 120 mm M865 Target Practice, Cone Stabilized, Discarding Sabot—Tracer (TPCSDS-T) cartridges; two hundred twenty-five (225) M58 linear charge demolition, high explosive Mine Clearing Line Charges (MICLICs); and twenty-five (25) M68A2 Charge, Demolition, Inert, Flexible Linear. The following non-MDE items will also be included: MK22 MOD 4 5-inch rocket motors; AN/PRC-158 radios; communications equipment; Global Positioning System (GPS) receivers and precise positioning provided by Selective Availability Anti-Spoofing Module or M-Code; forward repair systems; spare and repair parts; Special Tools and Test Equipment (STTE); technical manuals and publications; New Equipment Training (NET); site surveys; transportation; U.S. Government and contractor technical, engineering, logistics, and personnel services; and other related elements of logistics and program support. The total value of the new items is \$850 million. The value of the new MDE items accounts for \$450 million of this total, while the value of the new non-MDE

items accounts for the remaining \$400 million. These values will not require an increase to the previously notified MDE and non-MDE values of \$3.25 billion and \$0.50 billion, respectively. The estimated total cost will remain \$3.75 billion.

(iv) *Significance*: This notification is being provided as the additional MDE and non-MDE items were not enumerated in the original notification. The inclusion of these items represents an increase in capability over what was previously notified. The proposed sale will support Poland's ability to meet current and future threats by providing a credible force that is capable of deterring adversaries and participating in NATO operations.

(v) *Justification*: This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO Ally that is an important force for political stability and economic progress in Europe.

(vi) *Sensitivity of Technology*: The M1150 Assault Breacher Vehicle (ABV) is a tracked, combat engineer system designed to breach mine fields and complex obstacles. It provides crew protection and vehicle survivability while having the speed and mobility to keep pace with the maneuver force. It can be equipped with either a Full Width Mine Plow (FWMP) or the Combat Dozer Blade (CDB). The following sub-systems are included in the ABV:

Armor: Major components of the armor are fabricated and assembled into serialized removable subassemblies and installed in sealed modules. The ABV chassis armor is the same armor that has been exported in all FMS Abrams tanks. The turret armor is a tailored armor unique to the ABV turret.

Integrated Vision System (IVS) for day/night operations: IVS has a two-axis stabilized gimbal in addition to an Enhanced Situation Awareness camera system. The IVS allows operators to remain under armor while conducting their mission with maximum visual awareness around the vehicle.

Commander's Weapon Station (CWS): Provides .50 caliber capability that can

be fired when the commander's hatch is in opened or closed position.

Magnetic Signature Duplicator (MSD): The Magnetic Signature Duplicator (MSD) provides a magnetic signature sufficiently in advance of a vehicle to negate the effectiveness of magnetic influence mines. The MSD increases the effectiveness and survivability of countermine equipment by causing the stand-off detonation of magnetic influence mines at a safe distance ahead of the host vehicle. The MSD can be installed on various types of front-end equipment, including the FWMP.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress*: September 25, 2024

[FR Doc. 2025-20032 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-0S]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-0S.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY

2800 Defense Pentagon
Washington, DC 20301-2800

September 18, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-0S. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 23-03 of February 9, 2023.

Sincerely,

Michael F. Miller
Director

Enclosure:
1. Transmittal

Transmittal No. 24-0S

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C), AECA)**

(i) *Purchaser:* Government of
Singapore

(ii) *Sec. 36(b)(1), AECA Transmittal
No.:* 23-03

Date: February 9, 2023

Implementing Agency: Air Force

Funding Source: National Funds

Description: On February 9, 2023, Congress was notified by congressional certification transmittal number 23-03 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of one hundred (100) KMU-556 Tail Kits for Joint Direct-Attack Munition (JDAM) GBU-31; nine hundred (900) KMU-572 Tail Kits for JDAM GBU-38 and Laser JDAM GBU-54; two hundred fifty (250) MAU-169 Computer Control Group for 500lb Paveway-II (PWII) GBU-12; and two hundred fifty (250) MXU-650 Air Foil Group for 500lb PWII GBU-12. Also included are DSU-38 laser guidance sets; Common Munitions Built-In-Test/Reprogramming

Equipment; spare parts, consumables, accessories, and repair and return support; aircraft and munitions support and support equipment; personnel training and training equipment; unclassified software; unclassified technical books and other publications; U.S. Government and contractor engineering, technical and logistics support services, studies and surveys; and other related elements of logistics and program support. The estimated total cost was \$55 million. Major Defense Equipment (MDE) constituted \$37 million of this total.

This transmittal notifies the inclusion of the following additional MDE items: two hundred ninety (290) KMU-556 Tail Kits for JDAM GBU-31; and nine hundred sixty-four (964) KMU-572 Tail Kits for JDAM GBU-38 and Laser JDAM GBU-54. The following non-MDE items will also be included: bomb components; aircraft component parts and accessories; and logistics and program support. The estimated total value of the new items is \$63 million. The estimated MDE value will increase by \$55 million. The estimated non-MDE

value will increase by \$8 million to a revised \$26 million. The estimated total case value will increase by \$63 million to a revised \$118 million. MDE will constitute \$92 million of this total.

(iii) *Significance:* This notification is being provided as the additional MDE items represents an increase in quantity over what was previously notified.

(iv) *Justification:* This proposed sale will support the Republic of Singapore Air Force's capability to contribute to coalition operations and meet its national defense requirements.

(v) *Sensitivity of Technology:* The Sensitivity of Technology statement contained in the original notification applies to items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vi) *Date Report Delivered to
Congress:* September 18, 2024

[FR Doc. 2025-20039 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE**Office of the Secretary****Membership of the Performance Review Board**

AGENCY: Office of the Secretary of Defense (OSD), Department of Defense (DoD).

ACTION: Notice of board membership.

SUMMARY: This notice announces the appointment of the Department of War (DoW), Office of the Secretary of War (OSW), Joint Staff, Department of War (DoW) Agencies, and DoW Field Activities, Performance Review Board (PRB) members, to include the U.S. Court of Appeals for the Armed Forces. The PRB shall provide fair and impartial review of Senior Executive Service and Senior Professional performance appraisals and make recommendations regarding performance ratings and performance awards to the Director of Administration and Management, OSW.

DATES: The board membership is applicable beginning on September 30, 2025.

FOR FURTHER INFORMATION CONTACT: Ms. Laura E. Devlin Dominguez, Assistant Director for Office of the Secretary of War Senior Executive Management Office, Washington Headquarters Service, Department of War, (703) 693-8373.

SUPPLEMENTARY INFORMATION: The publication of PRB membership is required by 5 U.S.C. 4314(c)(4). In accordance with 5 U.S.C. 4314(c)(4), the following executives are appointed to the Office of the Secretary of War PRB with specific PRB panel assignments

being made from this group. Executives listed will serve a one-year renewable term, beginning September 30, 2025.

Office of the Secretary of War

Appointing Authority—Honorable Stephen A. Feinberg, Deputy Secretary of War
Principal Executive Representative—Mr. Robert G. Saleses
Chairperson—Mr. James R. Sapp and Mr. John M. Tenaglia

PRB Panel Members

Robert E. Thompson
Yong “Eric” H. Kim
Melissa A. Sikora
Susan J. Goodyear
Darren L. Irvine
Leonid A. Godunov
Krystyna M.A. Kolesar
Karen M. Davis
Andrew L. Winternitz
Christine M. Condon
Tucker D. Hughes
Jaques Reifman
Robert E. Irie
Lee A. Kelley
Teresa D. Kless
Vernita D. Harris
Darrell W. Landreaux
Linda K. Palmer
Rosalie W. Tinsley
Vincent L. Fisher
Raju H. Shah
David T. Beckwith
Scott F. Mann
Joni H. Youngberg
Brent C. Harvey
Michael R. Dean
David W. McNeil

PRB Panel Members—Alternates

Scott W. Bauer

Dennis S. Perry
Jennifer L. Quinones

Dated: November 14, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025-20224 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE**Office of the Secretary**

[Transmittal No. 24-36]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-36, Policy Justification, and Sensitivity of Technology.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-36, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost \$3.5 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 24-36

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Republic of Korea

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$2.5 billion.
Other	\$1.0 billion.

TOTAL	\$3.5 billion.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Thirty-six (36) AH-64E Apache

Attack Helicopters

Seventy-six (76) T700-GE-701D

Engines (72 installed, 4 spares)

Thirty-six (36) AN/ASQ-170

Modernized Target Acquisition and Designation Sight/AN/AAR-11

Modernized Pilot Night Vision Sensors (M-TADS/PNVS)

Fourteen (14) AN/APG-78 Fire Control Radars (FCR) with Mast Mounted Assembly (MMA)

Fourteen (14) AN/APG-78 Fire Control Radars (FCR) with Radar Electronic Units (REU)

Fourteen (14) AN/APR-48B Modernized-Radar Frequency Interferometers (MRFI)

Four hundred fifty-six (456) AGM-114R2 (N) Hellfire Missiles

Six (6) M36E8 Captive Air Training Missiles (CATM)

One hundred fifty-two (152) AGM-179A Joint Air-to-Ground Missiles (JAGM)

Forty (40) AAR-57 Common Missile Warning Systems (CMWS) (36 installed, 4 spares)

Non-Major Defense Equipment:

The following non-MDE items will also be included: AN/AVR-2B laser detecting sets; AN/APX-123A Identification Friend or Foe (IFF) transponders; IDM-401 improved

data modems; Enhanced Image Intensifier (EI2) cameras; AN/ARN-149 (V)3 automatic direction finders; ASN-157 Doppler Radar Velocity Sensors; AN/APN-209 radar altimeters; AN/PYQ-10(C) Simple Key Loader; Airborne Global Positioning System (GPS)/Embedded Global Positioning System/Inertial Navigation System (EGI); AN/APR-39C(V)1+ Radar Signal Detecting sets; ARC-220 High Frequency Communication Systems; KIV-77 Mark XIIA IFF Crypto Applique; Common Missile Warning System (CMWS) software update; M230E-1 30mm automatic gun; M139 AWS 20mm automatic gun; M261 rocket launchers; M299 missile launchers; 2.75-inch rockets; 30mm rounds; MG62 Cartridge Impulse BBU-35/N; A965 cartridges, 25.4mm rounds; M839 decoys; L410 flares; M206 aircraft

countermeasures decoy flares; Cartridge Actuated Devices/ Propellant Actuated Devices (CAD/PADs); U.S. Government engineering, technical, and logistics support services; and other related elements of program and logistics support.

(iv) *Military Department: Army* (KS-B-ZJR)

(v) *Prior Related Cases, if any:* KS-B-ZCF, KS-B-ZFQ

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to*

Congress: August 19, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Republic of Korea—AH-64E Apache Helicopters

The Republic of Korea (ROK) has requested to buy thirty-six (36) AH-64E Apache Attack Helicopters; seventy-six (76) T700-GE-701D Engines (72 installed, 4 spares); thirty-six (36) AN/ASQ-170 Modernized Target Acquisition and Designation Sight/AN/AAR-11 Modernized Pilot Night Vision Sensors (M-TADS/PNVS); fourteen (14) AN/APG-78 Fire Control Radars (FCR) with Mast Mounted Assembly (MMA); fourteen (14) AN/APG-78 Fire Control Radars (FCR) with Radar Electronic Units (REU); fourteen (14) AN/APR-48B Modernized-Radar Frequency Interferometers (MRFI); four hundred fifty-six (456) AGM-114R2 (N) Hellfire Missiles; six (6) M36E8 Captive Air Training Missiles (CATM); one hundred fifty-two (152) AGM-179A Joint Air-to-Ground Missiles (JAGM); forty (40) AAR-57 Common Missile Warning Systems (CMWS) (36 installed, 4 spares). The following non-MDE items will also be included: AN/AVR-2B laser detecting sets; AN/APX-123A Identification Friend or Foe (IFF) transponders; IDM-401 improved data modems; Enhanced Image Intensifier (EI2) cameras; AN/ARN-149 (V)3 automatic direction finders; ASN-157 Doppler Radar Velocity Sensors; AN/APN-209 radar altimeters; AN/PYQ-10(C) Simple Key Loader; Airborne Global Positioning System (GPS)/Embedded Global Positioning System/Inertial Navigation System (EGI); AN/APR-39C(V)1+ Radar Signal Detecting sets; ARC-220 High Frequency Communication Systems; KIV-77 Mark XIIA IFF Crypto Applique; Common

Missile Warning System (CMWS) software update; M230E-1 30mm automatic gun; M139 AWS 20mm automatic gun; M261 rocket launchers; M299 missile launchers; 2.75-inch rockets; 30mm rounds; MG62 Cartridge Impulse BBU-35/N; A965 cartridges, 25.4mm rounds; M839 decoys; L410 flares; M206 aircraft countermeasures decoy flares; Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PADs); U.S. Government engineering, technical, and logistics support services; and other related elements of program and logistics support. The estimated total cost is \$3.5 billion.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a major ally that is a force for political stability and economic progress in the Indo-Pacific region.

The proposed sale will improve the Republic of Korea's capability to meet current and future threats by providing a credible force capable of deterring adversaries and participating in regional operations. Korea will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Boeing, located in Mesa, AZ; and Lockheed Martin, located in Orlando, FL. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-36

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AH-64E Apache Attack Helicopter is the Army's advanced attack helicopter, equipped for performing close air support, anti-armor, and armed reconnaissance missions. The aircraft contains the following communications and target identification equipment, navigation equipment, aircraft survivability equipment, displays, and sensors:

a. The AN/ASQ-170 Modernized Target Acquisition and Designation Sight/AN/AAQ-11 Pilot Night Vision Sensor (MTADS/PNVS) provides day, night, and limited adverse weather

target information, as well as night navigation capabilities. The PNVS provides thermal imaging that permits nap-of-the-earth flight to, from, and within the battle area, while MTADS provides the copilot gunner with search, detection, recognition, and designation capabilities by means of Direct View Optics (DVO), television, and Forward Looking Infrared (FLIR) sighting systems that may be used singularly or in combinations.

b. The AN/APG-78 Fire Control Radar (FCR) is an active, low-probability of intercept, millimeter-wave radar, combined with a passive AN/APR-48B Modernized Radar Frequency Interferometer (M-RFI) mounted on top of the helicopter mast. The FCR Ground Targeting Mode detects, locates, classifies and prioritizes stationary or moving armored vehicles, tanks and mobile air defense systems as well as hovering helicopters, helicopters in flight, and fixed wing aircraft in normal flight. If desired, the radar data can be used to refer targets to the regular electro-optical Modernized Target Acquisition and Designation Sight (MTADS).

c. The AN/APR-48B Modernized Radar Frequency Interferometer (M-RFI) is an updated version of the passive radar detection and direction finding system. It utilizes a detachable User Data Module (UDM) on the M-RFI processor, which contains the Radar Frequency (RF) threat library.

d. The AGM-114R Hellfire is a semi-active laser guided missile with a multi-purpose warhead that can engage and defeat both high and heavily armored targets, personnel, bunkers, caves, and urban structures.

e. The JAGM-179A is an Air-to-Ground Missile (AGM) consisting of the Hellfire Romeo (AGM-114R) back-end (*i.e.*, propulsion, warhead, and control sections) mated to a newly designed dual-mode guidance section (GS). The dual-mode GS is a combination of Millimeter Wave (MMW) and Semi-Active Laser (SAL) sensors co-axially aligned on a steerable gimbal. The combination of MMW and SAL sensors provide improved Precision Point (PP) and Fire-and-Forget (FF) capabilities in a single munition. This combination allows for targeting of fast moving and stationary targets in countermeasure and intensive battlefield environments, and in low cloud ceiling and adverse weather. Firing modes include Lock-On Before Launch (LOBL) and Lock-On After Launch (LOAL). Engagement modes include Point Designation (PD)—SAL only, Target Designation (PD)—SAL initiated with MMW engagement completion, Active Fire & Forget/Laser

Queuing (AFF-LQ)—MMW initiated with SAL override capability, and Active Fire & Forget (AFF)-MMW only. Hosting platforms include select rotary-wing and fixed-wing aircraft, wheeled or tracked vehicles, ground-based pedestal launchers, and patrol boats. Targets include tactical armor, boats, bunkers, buildings, caves, personnel in the open, rotary-wing and slow fixed-wing aircraft, UAS, and fast-moving non-tactical vehicles. The MMW is capable of hitting low radar cross section targets.

f. The AAR-57 Common Missile Warning System (CMWS) detects energy emitted by threat missiles in-flight, evaluates potential false alarm emitters in the environment, declares validity of threats, and selects appropriate countermeasures for defeat. The CMWS consists of an Electronic Control Unit (ECU), Electro-Optic Missile Sensors (EOMSs), and Sequencer and Improved Countermeasures Dispenser (ICMD).

g. The AN/APR-39 Radar Warning Receiver Signal Detecting Set is a system that provides warning of a radar-directed air defense threat and allows for the employment of appropriate countermeasures. This is the 1553 data bus compatible configuration.

h. The Hellfire M36E8 Captive Air Training Missile (CATM) is a flight-training missile that consists of a functional guidance section coupled to an inert missile bus. It functions like a tactical missile during captive carry on the aircraft, absent launch capability, making it suitable for training the

aircrew in simulated Hellfire Missile target acquisition and lock.

i. The AH-64E uses two EAGLE+MMR Embedded Global Positioning System (GPS)/Inertial Navigation Systems (INS) (EGI) with Multi-Mode Receiver. The EAGLE+MMR is a self-contained, all-attitude navigation system with an embedded GPS receiver controlled via MIL-STD-1553B controller, and provides output navigation and GPS timing data to support ADS-B out and other platform systems. The EAGLE EGI unit houses a 24 channel GPS receiver capable of operating in either Standard Positioning Service (SPS) C/A-code (non-encrypted) or Precise Positioning Service (PPS) Y-code (encrypted).

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Republic of Korea can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Republic of Korea.

[FR Doc. 2025-20062 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-10]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-10, Policy Justification, and Sensitivity of Technology.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY

2800 Defense Pentagon
Washington, DC 20301-2800

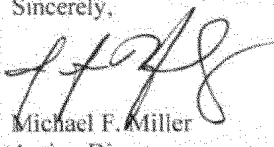
AUG 13 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-10, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Israel for defense articles and services estimated to cost \$774.1 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

for 
Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 24-10

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Israel

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$458.4 million
Other	\$315.7 million

TOTAL	\$774.1 million

Funding Source: Foreign Military Financing and National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Thirty-two thousand seven hundred thirty-nine (32,739) 120mm tank cartridges, consisting of:
120mm M1147 High Explosive Multi-

Purpose with Tracer (HEMP-T) cartridges and/or;
120mm M830A1 High Explosive Multi-Purpose Anti-Tank (MPAT) with Tracer cartridges

Non-MDE:

The following non-MDE is also included: various 120mm tank munitions; 120mm munition canisters; transportation costs; publications and technical documentation; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Army (IS-B-VDM)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or*

Defense Services Proposed to be Sold:
See Attached Annex

(viii) *Date Report Delivered to Congress:* August 13, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

*POLICY JUSTIFICATION**Israel—120mm Tank Cartridges*

The Government of Israel has requested to buy thirty-two thousand seven hundred thirty-nine (32,739) 120mm tank cartridges, consisting of 120mm M1147 High Explosive Multi-Purpose with Tracer (HEMP-T) cartridges and/or 120mm M830A1 High Explosive Multi-Purpose Anti-Tank (MPAT) with Tracer cartridges. The following non-MDE is also included: various 120mm tank munitions; 120mm munitions canisters; transportation costs; publications and technical documentation; U.S. Government and contractor engineering, technical, and

logistics support services; and other related elements of logistics and program support. The estimated total cost is \$774.1 million.

The United States is committed to the security of Israel, and it is vital to U.S. national interests to assist Israel to develop and maintain a strong and ready self-defense capability. This proposed sale is consistent with those objectives.

Israel will use the enhanced capability as a deterrent to regional threats and to strengthen its homeland defense. Israel will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be General Dynamics Ordnance and Tactical Systems, located in St. Petersburg, FL, and Northrop Grumman Defense Systems, located in Falls Church, VA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Israel.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–10

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

a. The 120mm M1147 High Explosive Multi-Purpose with Tracer (HEMP–T)

cartridge is a line-of-sight, full-bore, multi-purpose munition for the Abrams tank. It uses the Abrams Ammunition Data Link (ADL) hardware modification fielded on the M1A2SEPV2 platform to program the multi-mode fuze that provides three modes of operation: point detonate (PD), point detonate delay (DLY), and airburst. On PD/DLY mode, the high explosive payload is used to defeat bunkers, light armor, and breach obstacles and double reinforced concrete walls. On airburst mode, the M1147 provides the capability to defeat Anti-Tank Guided Missile (ATGM) teams.

b. The 120mm M830A1 High Explosive Multi-Purpose Anti-Tank (MPAT) with Tracer cartridge is a line-of-sight, full-bore, multi-purpose munition for the Abrams tank. It requires the gunner to manually select the fuze mode to either point detonate against buildings, bunkers, and light armor vehicles or similar target sets, or proximity for anti-helicopter self-defense capabilities.

c. The highest level of classification of defense articles, components, and services included in this potential sale is Controlled Unclassified Information.

d. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

e. A determination has been made that Israel will provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S.

foreign policy and national security objectives outlined in the Policy Justification.

f. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Israel.

[FR Doc. 2025–20067 Filed 11–17–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–0H]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–0H.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-0H. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 13-68 of December 18, 2013.

Sincerely,

James A. Hursch
Director

Enclosure:
1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 24-0H

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(b)(5)(C)), (AECA)**

(i) *Purchaser:* Government of Norway
(ii) *Sec. 36(b)(1), AECA Transmittal*
No.: 13-68

Date: December 18, 2013

Implementing Agency: Air Force

(iii) *Description:* On December 18, 2013, Congress was notified by congressional certification transmittal number 13-68 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of C-130J technical, engineering and software support; software updates and patches; familiarization training for the Portable Flight Planning System (PFPS) and the Joint Mission Planning System (JMPS); spare and repair parts; U.S. Government and contractor technical support services; and other related elements of logistics and program support. The estimated total cost was \$107 million. There was no Major Defense Equipment (MDE) associated with this sale.

On July 6, 2018, Congress was notified by congressional certification transmittal number 18-0D of the extension of non-MDE support provided to Norway's C-130J aircraft sustainment program, including additional distribution support for unclassified and classified software. Extending the sustainment case resulted in an increase in non-MDE cost of \$123 million. The total case value increased to \$230 million. The total MDE value remained \$0.

This transmittal notifies inclusion of the following additional non-MDE items: Joint Mission Planning Systems; spare parts, consumables, and accessories; minor modifications and maintenance support; precision navigation; support equipment; contractor-provided technical order data; U.S. Government and contractor technical and logistics support services; and other related elements of logistics and program support. The estimated total value of the new non-MDE items is \$586.6 million. This addition will result in an increase in the estimated total case value to \$816.6 million. The total MDE value will remain \$0.

(iv) *Significance:* The proposed sale will support Norway's ability to continue effective maintenance of its current C-130J fleet.

(v) *Justification:* This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO Ally that is an important force for political stability and economic progress in Europe.

(vi) *Date Report Delivered to Congress:* June 21, 2024

[FR Doc. 2025-20030 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-55]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dscn.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached

Transmittal 24-55, Policy Justification, and Sensitivity of Technology.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-55, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of the Netherlands for defense articles and services estimated to cost \$224 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 24-55

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of the Netherlands

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$144 million
Other	\$180 million

TOTAL \$224 million

(iii) *Description and Quantity or Quantities of Articles or Services under*

Consideration for Purchase: The Government of the Netherlands has requested to buy new production PATRIOT M903 launching stations (LS), as well as equipment and services to upgrade existing M901 LS to the M903 LS configuration. These combined potential sales would include:

Major Defense Equipment (MDE):

Two (2) PATRIOT M903 launching stations (LS)

Non-MDE:

LS modification kits; PATRIOT Advanced Capability-3 (PAC-3) Missile Segment Enhancement

(MSE) launcher conversion kits; LS heater controllers; shorting plug kits; PATRIOT automated logistics system kits; concurrent spare parts; U.S. Government and contractor engineering, technical, logistics, and fielding support services; and other related elements of logistics and program support.

(iv) *Military Department:* Army (NE-B-YBH, NE-B-YBE)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* August 29, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

The Netherlands—PATRIOT M903 Launching Stations New Buy and Upgrades

The Government of the Netherlands has requested to buy two (2) new production PATRIOT M903 launching stations (LS) and equipment and services to upgrade existing M901 LS to the M903 LS configuration. The following non-MDE is also included: LS modification kits; PATRIOT Advanced Capability-3 (PAC-3) Missile Segment Enhancement (MSE) launcher conversion kits; LS heater controllers; shorting plug kits; PATRIOT automated logistics system kits; concurrent spare parts; U.S. Government and contractor engineering, technical, logistics, and fielding support services; and other related elements of logistics and program support. The estimated total cost is \$224 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve the Netherlands' missile defense capability to meet current and future enemy threats. The Netherlands will use the enhanced capability to strengthen its homeland defense, deter regional threats, and provide direct support to coalition and security cooperation efforts. The Netherlands will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors are Lockheed-Martin Missiles and Fire Control, located in Grand Prairie, TX, and RTX Corporation, located in Arlington, VA. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor(s).

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Netherlands.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–55

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. PATRIOT missiles are both transported on and launched from launching stations (LS). All new LSs are M903 configuration, which is capable of launching the entire family of PATRIOT missiles.

2. The highest level of classification of defense articles, components, and services included in this potential sale is CONFIDENTIAL.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Government of the Netherlands can provide substantially the same

degree of protection for the technology being released as the U.S. Government. This potential sale is necessary in furtherance of the U.S. foreign policy and national security objectives as outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of the Netherlands.

[FR Doc. 2025–20077 Filed 11–17–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–56]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–56, Policy Justification, and Sensitivity of Technology.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P



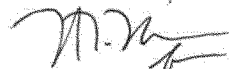
DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-56, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost \$300 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,


James A. Hursch
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 24-56

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended.

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States (TECRO)

(ii) *Total Estimated Value:*

Major Defense Equipment *	0
Other	\$300 million

TOTAL \$300 million

Funding source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

None

Non-MDE:

The following non-MDE is included:

ALTIUS 600M-V systems,

comprised of an Unmanned Aerial Vehicle (UAV) loitering munition with extensible warhead and electro-optical/infrared (E.O./IR) camera; ALTIUS 600 inert training UAVs; Pneumatic Integrated Launch Systems (PILS); PILS transport trailers; ground control systems; associated support, including spares; battery chargers; operator and maintenance training; operator, maintenance, and training manuals; technical manuals; logistics and fielding support; testing; technical assistance CONUS and OCONUS, including for engineering services; program management; site surveys; facility, logistics and maintenance evaluations; quality assurance and de-processing team support; field service representative support; transportation; and other related

elements of logistics and program support.

(iv) *Military Department:* Navy (TW-P-AMC)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* June 18, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION*Taipei Economic and Cultural Representative Office in the United States—ALTIUS 600M–V Unmanned Aerial Vehicles*

The Taipei Economic and Cultural Representative Office in the United States (TECRO) has requested to buy the following non-MDE: ALTIUS 600M–V systems, comprised of an Unmanned Aerial Vehicle (UAV) loitering munition with extensible warhead and electro-optical/infrared (E.O./IR) camera; ALTIUS 600 inert training UAVs; Pneumatic Integrated Launch Systems (PILS); PILS transport trailers; ground control systems; associated support, including spares; battery chargers; operator and maintenance training; operator, maintenance, and training manuals; technical manuals; logistics and fielding support; testing; technical assistance CONUS and OCONUS, including for engineering services; program management; site surveys; facility, logistics and maintenance evaluations; quality assurance and de-processing team support; field service representative support; transportation; and other related elements of logistics and program support. The estimated total cost is \$300 million.

This proposed sale is consistent with U.S. law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and to maintain a credible defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will improve the recipient's ability to meet current and future threats. The recipient will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Anduril, located in Atlanta, GA. There

are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require assignment of 5 U.S. Government and 12 contractor representatives for a duration of up to two years to support equipment fielding/training and program management.

There will be no adverse impact on U.S. defense readiness because of this proposed sale.

Transmittal No. 24–56

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

vii. *Sensitivity of Technology:*

1. The ALTIUS 600M–V system is composed of an Unmanned Aerial Vehicle (UAV), Pneumatic Integrated Launch System (PILS), payload, and associated support. Each UAV is integrated with a command-and-control radio and assured positioning, navigation, and timing modules. The ALTIUS 600M–V system is designed for expeditionary deployment by air, mobile, ground, or maritime forces. It leverages autonomy to allow a single operator to control multiple UAVs simultaneously. The PILS is a reusable launcher holding up to one UAV at a time per canister. The UAV's payload is an electro-optical/infrared (E.O./IR) camera and extensible warhead, which provides a loitering munition capability. The ALTIUS 600M–V can operate up to 18,000 feet above ground level with an endurance of approximately 90 minutes, a range of up to 160km, and a dash speed of 185km/hour, dependent on payload.

2. The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might

reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the recipient can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the recipient.

[FR Doc. 2025–20078 Filed 11–17–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE**Office of the Secretary**

[Transmittal No. 24–62]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–62, Policy Justification, and Sensitivity of Technology.

Dated: November 14, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-62, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Belgium for defense articles and services estimated to cost \$115 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 24-62

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Belgium

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$ 78 million
Other	\$ 37 million
TOTAL	\$115 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

One hundred ninety-six (196) Guided Bomb Unit (GBU)-53/B Small Diameter Bombs-Increment II (SDB-II) All-Up-Rounds (AURs)

Non-MDE:

Also included are SDB-II Weapons Load Crew Trainers (WLCT); training aids and devices; spare and repair parts, consumables, accessories, and repair and return support; unclassified software

delivery and support; unclassified publications and technical documentation; major modifications and maintenance support; training and training equipment; munitions support and support equipment; transportation support; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (BE-D-YCA)

(v) *Prior Related Cases, if any:* None
(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* July 25, 2024

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Belgium—Small Diameter Bomb-Increment II

The Government of Belgium has requested to buy one hundred ninety-six (196) Guided Bomb Unit (GBU)-53/B Small Diameter Bombs-Increment II (SDB-II) All-Up-Rounds (AURs). Also included are SDB-II Weapons Load Crew Trainers (WLCT); training aids and devices; spare and repair parts, consumables, accessories, and repair and return support; unclassified software delivery and support; unclassified publications and technical documentation; major modifications and maintenance support; training and training equipment; munitions support and support equipment; transportation support; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$115 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve Belgium's capability to meet current and future threats by maintaining its F-35 fleet in combat-ready status and providing a credible deterrent to regional threats. Belgium will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be RTX Corporation, located in Arlington, VA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Belgium.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-62

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) *Sensitivity of Technology:*

1. The GBU-53/B Small Diameter Bomb-Increment II (SDB-II) is a 250-pound class precision-guided, semiautonomous, conventional, air-to-ground munition used to defeat moving targets from standoff range. The SDB-II has deployable wings and fins and uses Global Positioning System/Inertial Navigation System (GPS/INS) guidance

enabled by Selective Availability Anti-Spoofing Module (SAASM) or M-Code, network-enabled datalink (Link-16 and ultra-high frequency), and a multi-mode seeker (millimeter wave radar, imaging infrared, semi-active laser) to autonomously search, acquire, track, and defeat a variety of moving or stationary targets, at standoff range or close in, in a variety of attack modes, in clear or adverse weather. The SDB-II employs a multi-effects warhead (blast, fragmentation, and shaped-charge) for maximum lethality against armored and soft targets. The SDB-II weapon system consists of the tactical All-Up-Round (AUR) weapon, a 4-place common carriage system, and Mission Planning System Munitions Application Program (MAP).

The SDB-II Weapon Load Crew Trainer (WLCT) is a mass mockup of the tactical AUR used for load crew and maintenance training. It does not contain energetics, a live fuze, any sensitive components, or hazardous material. It is not flight certified.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Belgium can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S.

foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Belgium.

[FR Doc. 2025-20146 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-0L]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-0L.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY

2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-0L. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 21-17 of May 10, 2021.

Sincerely,

Michael F. Miller
Director

Enclosure:
1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 24-0L

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(b)(5)(C), AECA)**

(i) *Purchaser:* Government of Canada
(ii) *Sec. 36(b)(1), AECA Transmittal
No.:* 21-17

Date: May 10, 2021

Implementing Agency: Navy

(iii) *Description:* On May 10, 2021, Congress was notified by congressional certification transmittal number 21-17 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of four (4) Shipsets of the AEGIS Combat System (ACS); one (1) AEGIS Combat System Computer Program; four (4) Shipsets of AN/SPY-7 Solid State Radar Components; four (4) Shipsets of Cooperative Engagement Capability (CEC); and three (3) Shipsets of the MK 41 Vertical Launch System. Also

included was Mode 5/S capable Identification Friend or Foe (IFF) equipment; early ACS development activities for the Canadian Surface Combatant (CSC) Project to include U.S. Government and contractor representative engineering activities supporting design, integration, testing, technical documentation, modeling, and training; hardware to support development and testing in U.S. facilities; software; documentation (including combat system capabilities and limitations); training devices and services; technical support; and other related elements of logistical and program support. The total estimated value was \$1.7 billion. Major Defense Equipment (MDE) constituted \$0.7 billion of this total.

On August 10, 2022, Congress was notified by congressional certification transmittal number 0L-22 of the addition of the following MDE items: four (4) shipsets of Global Positioning

System Based Positioning, Navigation, and Timing Service (GPNTS). The estimated total value of the MDE items was \$8 million, but did not cause an increase in the total estimated program cost. The total estimated case value remained \$1.7 billion with MDE remaining \$0.7 billion of that total.

This transmittal notifies the inclusion of the following additional MDE items: four (4) AN/WSN-12 Inertial Navigation Systems (INS); two (2) Tactical Tomahawk Weapon Control Systems (TTWCS); five (5) Multifunctional Information Distribution System Joint Tactical Radio Systems (MIDS JTRS) (4 installed, 1 test asset); four (4) MIDS On Ship Modernized (MOS Mod); two (2) Command and Control Processors (C2P); and four (4) AN/SLQ-32(v)6 Electronic Warfare Systems (EWS). The following non-MDE items will also be included: Global Command and Control Systems—Maritime (GCCS-Ms); AN/WSN-7 INS; and MK 331 Torpedo

Setting Panels (TSPs). The estimated total value of the new items is \$1.1 billion. The estimated value of the new MDE items is \$0.2 billion, but this will not cause an increase in the net MDE value. The estimated value of the new non-MDE items is \$0.9 billion, and will cause an increase of the net non-MDE value to \$1.9 billion. The total estimated value will increase by \$0.9 billion to \$2.6 billion. MDE will remain as \$0.7 billion of that total.

(iv) *Significance*: This notification is being provided as the additional MDE items were not enumerated in the original notification. The inclusion of this MDE represents an increase in capability over what was previously notified. The proposed articles and services will support the Government of Canada's capability to meet current and future threats by enhancing their incorporation of the AEGIS Combat System into their operations.

(v) *Justification*: This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the military capability of Canada, a NATO Ally that is an important force for ensuring political stability and economic progress, and a contributor to military, peacekeeping, and humanitarian operations around the world.

(vi) *Sensitivity of Technology*:

AN/WSN-7 is the U.S. Navy's Inertial Navigation System (INS) and part of an overall Position-Navigation-Time (PNT) solution for the AEGIS Combat System. AN/WSN-12 is the U.S. Navy's next generation INS. AN/WSN-7/12 measures the movement of the ship, determines position and direction, and accepts GPS updates to compute precise movement, position, and direction rates.

The Tactical Tomahawk Weapon Control System (TTWCS) is the U.S. Navy's shipboard component for

command and control, mission planning, and distribution of Tomahawk tactical and strike data for the Tomahawk missile.

Multifunctional Information Distribution System Joint Tactical Radio System (MIDS JTRS) provides secure, high capacity, jam-resistant position determination, cooperative identification, and digital data and voice transfer capability.

MIDS On Ship Modernized (MOS Mod) integrates a MIDS JTRS terminal with Navy Ship Input Output (NSIO) to produce a high power (1 kW) Link-16 radio frequency output. It is designed to operate with the Command and Control Processor (C2P).

C2P is a shipboard system that provides real-time control and management of Tactical Digital Information Links (TADILs) through interfaces with the host combat system and tactical data link terminals. TADILs include Link-16, Satellite TADIL J, Joint Range Extension (JRE).

AN/SLQ-32(v)6 is an electronic warfare equipment suite installed on all surface combatants, aircraft carriers, amphibious ships, and auxiliaries in the U.S. Navy. The system provides early detection, analysis, threat warning, and protection from anti-ship missiles.

The Global Command and Control System—Maritime (GCCS-M) provides a single integrated and scalable command and control system. GCCS-M fuses, correlates, filters, maintains, and displays location and attribute information on friendly, hostile, and neutral land, sea, and air forces, and integrates this data with available intelligence and environmental information to support command decisions.

The MK 331 Torpedo Setting Panel (TSP) is the interface between the ship's underwater weapon control system and MK 54 Surface Vessel Torpedo Tubes

(SVTT). It provides digital presets, updates until time of fire, and provides remote and local preset and launch capability in the ship's magazine.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress*: October 4, 2024

[FR Doc. 2025-20041 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-01]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-01.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

SEP 24 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-01. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 17-41 of March 7, 2018.

Sincerely,

Michael F. Miller
Director

Enclosures:

1. Transmittal
2. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001-FR-C

Transmittal No. 24-01

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(b)(5)(C), AECA)**

(i) *Purchaser:* Government of Qatar
(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 17-41
Date: March 07, 2018
Implementing Agency: Air Force
Funding Source: National Funds
(iii) *Description:* On March 07, 2018, Congress was notified by congressional certification transmittal number 17-41 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of equipment and support to upgrade the Qatar Emiri Air Force's (QEAF) Air Operations Center (AOC), to include Link-16 network and classified networks integration, to enhance the performance of integrated air defense planning and provide US-Qatari systems interoperability. This sale was comprised of one (1) Multifunctional Information Distribution System (MIDS) Low Volume Terminal (LVT), Global

Positioning System (GPS) Selective Availability AntiSpoofing Module (SAASM) Chips, Simple Key Loaders (SKL), High Assurance Internet Protocol Encryptors (HAIPE), Ground Support System (GSS) components for Link-16, as well as the necessary infrastructure construction, integration, installation, and sustainment services, cybersecurity services, technical and support facilities, COMSEC support, secure communications equipment, encryption devices, software development, spare and repair parts, support and test equipment, publications and technical documentation, security certification and accreditation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support. The estimated total cost was \$197 million. Major Defense Equipment (MDE) constituted \$1 million of this total.

This transmittal notifies inclusion of the following additional non-MDE items: Air Operations Center upgrade;

spare and repair parts, consumables and accessories, and repair and return support; software delivery and support; minor modifications, maintenance, and maintenance support; facilities and construction support; publications and technical documentation; personnel training and training equipment; warranties; studies and surveys; transportation; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total value of the new non-MDE items is \$424 million. The estimated total case value will increase to \$621 million.

(iv) *Significance:* The proposed sale will significantly improve Qatar's defense capabilities to meet current and future threats and deter regional aggression. The inclusion of these items represents an increase in capability over what was originally notified.

(v) *Justification:* This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a friendly country that

continues to be an important force for political stability and economic progress in the Middle East.

(vi) *Sensitivity of Technology*: The Sensitivity of Technology Statement contained in the original notification applies to items reported here.

(vii) *Date Report Delivered to Congress*: September 24, 2024

[FR Doc. 2025-20034 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-66]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or

dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-66, Policy Justification, and Sensitivity of Technology.

Dated: November 14, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY

2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-66, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$100 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 24-66

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser*: Government of Australia

(ii) Total Estimated Value:

Major Defense Equipment *	\$ 95 million
Other	\$ 5 million
TOTAL	\$100 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Three hundred fifty (350) Javelin FGM-148F missiles (includes four (4) fly-to-buy missiles)

Non-Major Defense Equipment:

The following non-MDE items will also be included: U.S. Government technical assistance; technical data;

repair and return services; and other related elements of logistics and program support.

(iv) *Military Department: Army AT-B-UOA*

(v) *Prior Related Cases, if any: AT-B-UJV; AT-B-ULI; AT-B-UMF; AT-B-UMX; AT-B-ZYH; AT-B-ZYQ; AT-B-ZYS; AT-B-ZXZ; AT-B-ZZA*

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.*

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex*

(viii) *Date Report Delivered to Congress: August 19, 2024*

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia—FGM-148F Javelin Missiles

The Government of Australia has requested to buy three hundred fifty (350) Javelin FGM-148F missiles (includes four (4) fly-to-buy missiles). Also included is U.S. Government technical assistance; technical data; repair and return services; and other related elements of logistics and program support. The estimated cost is \$100 million.

This proposed sale will support the foreign policy and national security objectives of the United States. Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale will improve the Australian Army's capability to meet current and future threats by maintaining and increasing its anti-armor capability. Australia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be the Javelin Joint Venture between RTX Corporation, located in Tucson, AZ, and Lockheed Martin, located in Orlando, FL. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any U.S. Government or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-66

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) *Sensitivity of Technology:*

1. The Javelin Weapon System is a medium-range, man portable, shoulder-launched, fire and forget, anti-tank system for infantry, scouts, and combat engineers. It may also be mounted on a variety of platforms including vehicles, aircraft, and watercraft. The system weighs 49.5 pounds and has a maximum range in excess of 2,500 meters. The system is highly lethal against tanks and other systems with conventional and reactive armors. The system possesses a secondary capability against bunkers.

2. The Javelin's key technical feature is the use of fire-and-forget technology which allows the gunner to fire and immediately relocate or take cover. Additional special features are the top-attack and direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor thus decreasing its detection on the battlefield.

3. The Javelin Weapon System is comprised of two major tactical components, which are a reusable Light Weight Command Launch Unit (LWCLU) and a round contained in a disposable launch tube assembly. The LWCLU incorporates an integrated day-night sight that provides a target engagement capability in adverse weather and countermeasure environments. The LWCLU may also be used in a stand-alone mode for battlefield surveillance and target detection. The LWCLU's thermal sight is a 3rd generation Forward Looking Infrared (FLIR) sensor. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the LWCLU after mating and prior to launch.

4. The missile is autonomously guided to the target using an imaging infrared seeker and adaptive correlation tracking algorithms. This allows the gunner to take cover or reload and engage another target after firing a missile. The missile has an advanced tandem warhead and can be used in

either the top-attack or direct fire modes (for target undercover). An onboard flight computer guides the missile to the selected target.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Australia.

[FR Doc. 2025-20140 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-0E]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-0E.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

August 1, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-0E. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 08-83 of September 26, 2008.

Sincerely,

Michael F. Miller
Acting Director

Enclosure:

1. Transmittal

Transmittal No. 24-0E

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(B)(5)(C), AECA)

(i) *Purchaser:* Government of Israel

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 08-83

Date: September 26, 2008

Implementing Agency: Air Force

Funding Source: Foreign Military Financing

(iii) *Description:* On September 26, 2008, Congress was notified by congressional certification transmittal number 08-83 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of an initial 25 F-35 Joint Strike Fighter Conventional Take-Off and Landing (CTOL) aircraft with an option to purchase at a later date an additional 50 F-35 CTOL or Short Take-Off and Vertical Landing (STOVL) aircraft. All aircraft would be configured with either the Pratt and Whitney F-135 engines or General Electric-Rolls Royce F-136 engines. Other Aircraft Equipment included: Electronic Warfare Systems; Command, Control, Communication, Computers and Intelligence/Communication,

Navigational and Identification (C4I/CNI); Autonomic Logistics Global Support System (ALGS); Autonomic Logistics Information System (ALIS); Flight Mission Trainer; Weapons Employment Capability, and other Subsystems, Features, and Capabilities; F-35 unique infrared flares; unique systems or sovereign requirements; reprogramming center, Hardware/Software In-the-Loop Laboratory Capability; External Fuel Tanks; and F-35 Performance Based Logistics. Also included: software development/integration, flight test instrumentation, aircraft ferry and tanker support, support equipment, tools and test equipment, spares and repair parts, personnel training and training equipment, publications and technical documents, U.S. Government and contractor engineering and logistics personnel services, and other related elements of logistics and program support. Non-MDE included: software development/integration, flight test instrumentation, aircraft ferry and tanker support, support equipment, tools and test equipment, spares and repair parts, personnel training and

training equipment, publications and technical documents, U.S. Government and contractor engineering and logistics personnel services, and other related elements of logistics and program support. The estimated total cost was \$15.2 billion. Major Defense Equipment (MDE) constituted \$8.3 billion of this total.

This transmittal notifies the inclusion of the following additional MDE items: seven (7) Pratt and Whitney F-135 engines (spares). This transmittal clarifies that the original notification of up to seventy-five (75) F-35s included the sale of up to seventy-five (75) Pratt and Whitney F-135 or General Electric-Rolls Royce F-136 engines. The total value of the additional MDE is \$96.6 million; the total MDE value will remain \$8.3 billion. Non-MDE value will remain at \$6.9 billion. The estimated total cost will remain at \$15.2 billion.

(iv) *Significance:* This notification is being provided as the additional MDE items were not enumerated in the original notification. The proposed sale of this equipment will provide Israel sufficient spare engines to support the overall F-35 spares concept.

(v) *Justification*: The United States is committed to the security of Israel, and it is vital to U.S. national interests to assist Israel to develop and maintain a strong and ready self-defense capability. This proposed sale is consistent with those objectives.

(vi) *Sensitivity of Technology*: The Sensitivity of Technology Statement contained in the original notification applies to items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress*: August 1, 2024

[FR Doc. 2025-20033 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-0Y]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-0Y.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY

2800 Defense Pentagon
Washington, DC 20301-2800

October 4, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-0Y. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 23-75 of October 23, 2023.

Sincerely,

Michael F. Miller
Director

Enclosures:

1. Transmittal

Transmittal No. 24–0Y

**REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C), AECA)**

(i) *Purchaser:* Government of Lithuania
(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 23–75
Date: October 23, 2023
Implementing Agency: Air Force
Funding Source: National Funds
(iii) *Description:* On October 23, 2023, Congress was notified by congressional certification transmittal number 23–75 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of thirty-six (36) AIM–120C–8 Advanced Medium Range Air to Air Missiles (AMRAAM); and one (1) AIM–120C–8 AMRAAM Guidance Section. Also included were Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE); ADU–891/E adapter group computer test sets; AIM–120 spare control sections and containers; other spare parts, consumables, accessories, and repair/return support; munitions support and support equipment; classified software delivery and support; classified and unclassified publications and technical documentation; contractor logistics support (CLS); personnel training and training equipment; studies and surveys; transportation support; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistics and program support. The total estimated cost was \$100 million. Major Defense Equipment (MDE) constituted \$75.9 million of this total.

This transmittal notifies the inclusion of the following additional MDE items: twenty-four (24) AIM–120C–8

AMRAAM; and eight (8) AIM–120C–8 AMRAAM-Extended Range (AMRAAM–ER) missiles. The following non-MDE items will also be included: AMRAAM–ER load trainers; and weapon system support including software. The estimated total value of the new items is \$80 million. The estimated MDE value will increase by \$72 million to a revised \$147.9 million. The estimated non-MDE value will increase by \$8 million to a revised \$32.1 million. The estimated total case value will increase by \$80 million to a revised \$180 million.

(iv) *Significance:* This notification is being provided because the additional items were not enumerated in the original notification. The proposed sale will support Lithuania’s commercial purchase of the National Advanced Surface-to-Air Missile System (NASAMS).

(v) *Justification:* This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a NATO Ally that is an important force for ensuring peace and stability in Europe.

(vi) *Sensitivity of Technology:* The AIM–120 AMRAAM–ER is a medium range, ground-based, air defense missile capable in all-weather against multiple targets in a sophisticated electronic attack environment. AMRAAM–ER utilizes an active C–7 or C–8 seeker and warhead joined with a new control section and rocket motor that provides extended range and altitude, higher speed and maneuverability, and has been extensively tested and proven. The AIM–120C–8 is a form, fit, function refresh of the AIM–120C–7 and is the next generation to be produced.

The Sensitivity of Technology Statement contained in the original

notification applies to the additional items being notified.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress:* October 4, 2024

[FR Doc. 2025–20040 Filed 11–17–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–39]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–39, Policy Justification, and Sensitivity of Technology.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

AUG 13 2024

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-39, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Israel for defense articles and services estimated to cost \$61.1 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 24-39

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Israel

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$58.7 million
Other	\$ 2.4 million

TOTAL \$61.1 million

Funding Source: Foreign Military Financing

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales (FMS) case IS-B-VAT was below the congressional notification threshold at \$0.41 million (\$0.37 million in MDE) and included four hundred (400) M933A1 120mm High Explosive (HE) mortar cartridges with M783 fuzes; publications; and

associated technical documentation. The Government of Israel has requested the case be amended to include an additional fifty thousand (50,000) M933A1 120mm HE mortar cartridges with M783 fuzes. This amendment will cause the case to exceed the notification threshold, and thus notification of the entire case is required.

The above notification requirements are combined as follows:

Major Defense Equipment (MDE):

Fifty thousand four hundred (50,400) M933A1 120mm High Explosive mortar cartridges with M783 fuzes

Non-MDE:

Also included are publications; technical documentation; U.S. Government and contractor engineering, technical, and logistics support services; studies and surveys; and other related elements of logistics and program support.

(iv) *Military Department:* Army (IS-B-VAT)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* August 13, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Israel—M933A1 120mm High Explosive Mortar Cartridges

The Government of Israel has requested to buy fifty thousand (50,000) M933A1 120mm High Explosive (HE) mortar cartridges with M783 fuzes that will be added to a previously implemented case whose value was

under the congressional notification threshold. The original FMS case, valued at \$0.41 million (\$0.37 million in MDE), included four hundred (400) M933A1 120mm HE mortar cartridges with M783 fuzes. This notification is for a combined total of fifty thousand four hundred (50,400) M933A1 120mm HE mortar cartridges with M783 fuzes. Also included are publications; technical documentation; U.S. Government and contractor engineering, technical, and logistics support services; studies and surveys; and other related elements of logistics and program support. The estimated total cost is \$61.1 million.

The United States is committed to the security of Israel, and it is vital to U.S. national interests to assist Israel to develop and maintain a strong and ready self-defense capability. This proposed sale is consistent with those objectives.

The proposed sale will improve Israel's capability to meet current and future threats by improving the ability of the Israeli Ground Forces to defend its borders, vital infrastructure, and population centers. It will also increase its interoperability with U.S. forces and conveys U.S. commitment to Israel's security and armed forces modernization. Israel will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be General Dynamics Ordnance and Tactical Systems Inc., located in Quebec, Canada. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any

additional U.S. Government or contractor representatives to Israel.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–39

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The M933A1 is a standard Army 120mm mortar high explosive projectile, capable of being fired from NATO-standard 120mm mortars in use around the world today. These projectiles have steel bodies which are filled with explosives, typically TNT.

2. The M783 is a standard Army 120mm mortar fuze. Fuzes cause the projectile to detonate at the target and are attached to the projectile by the mortar crew just before loading and firing. The M783 is a multi-function fuze, which can be set to point detonate or delay.

3. The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that Israel can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is

necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal have been authorized for release and export to Israel.

[FR Doc. 2025–20068 Filed 11–17–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–44]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–44, and Policy Justification.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

AUG 13 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-44, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Israel for defense articles and services estimated to cost \$583.1 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification

BILLING CODE 6001-FR-C

Transmittal No. 24-44

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Israel

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$ 0
Other	\$583.1 million
TOTAL	\$583.1 million

Funding Source: Foreign Military Financing

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales (FMS) case IS-B-ZZC was below the congressional notification threshold at \$62.4 million (\$0 in Major Defense Equipment (MDE)) and included modified M1148A1P2 Family of Medium Tactical Vehicles (FMTV) Load Handling System (LHS) 8-ton cargo trucks and support. The Government of Israel has requested that the case be amended to include

additional modified M1148A1P2 FMTV LHS 8-ton cargo trucks. This amendment will cause the case to exceed the notification threshold, and thus notification of the entire case is required.

The above notification requirements are combined as follows:

Major Defense Equipment:

None

Non-MDE:

Modified M1148A1P2 FMTV LHS 8-ton cargo trucks; armor b-kits; corrosion protection; special tools and test equipment; integration and test support; spare and repair parts; software delivery and support; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; storage; and other related elements of logistics and program support.

(iv) *Military Department:* Army (IS-B-ZZC)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* August 13, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Israel—M1148A1P2 Family of Medium Tactical Vehicles

The Government of Israel has requested to buy additional modified M1148A1P2 Family of Medium Tactical Vehicles (FMTV) Load Handling System (LHS) 8-ton cargo trucks that will be added to a previously-implemented Foreign Military Sales (FMS) case whose value was under the congressional notification threshold. The original FMS case, valued at \$62.4 million (\$0 in Major Defense Equipment (MDE)), included modified M1148A1P2 FMTV LHS 8-ton cargo trucks and support. This notification is for the

combined total of modified M1148A1P2 FMTV LHS 8-ton cargo trucks. Also included are armor b-kits; corrosion protection; special tools and test equipment; integration and test support; spare and repair parts; software delivery and support; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; storage; and other related elements of logistics and program support. The estimated total cost is \$583.1 million.

The United States is committed to the security of Israel, and it is vital to U.S. national interests to assist Israel to develop and maintain a strong and ready self-defense capability. This proposed sale is consistent with those objectives.

The proposed sale will improve Israel's capability to meet current and future threats, strengthen its homeland defense, and serve as a deterrent to regional threats. Israel will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be the Oshkosh Corporation, located in Oshkosh, WI. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Israel.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2025-20075 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-54]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-54, Policy Justification, and Sensitivity of Technology.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-54, concerning the Navy’s proposed Letter(s) of Offer and Acceptance to the Government of the Czech Republic for defense articles and services estimated to cost \$138.26 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,


James A. Hursch
Director

- Enclosures:
- 1. Transmittal
 - 2. Policy Justification
 - 3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 24–54

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of the Czech Republic

(ii) *Total Estimated Value:*

Major Defense Equip-ment *	\$124.90 million
Other	\$ 13.36 million

TOTAL \$138.26 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

- Two hundred (200) Hellfire Air-to-Ground Missiles, AGM–114R
- Four (4) Hellfire Captive Air Training Missiles (CATM)
- Six hundred (600) WGU–59A/B Advanced Precision Kill Weapon

System (APKWS) II (single variant)

Non-MDE:

Also included: support equipment; dummy cartridge rounds; containers; training material; inert components; publications; repair of repairables; and training and technical support.

(iv) *Military Department:* Navy (EZ–P–GAI)

(v) *Prior Related Cases, if any:* EZ–P–GAI; EZ–P–SBF

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* July 17, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Czech Republic—Hellfire Missiles and Advanced Precision Kill Weapon System

The Government of the Czech Republic has requested to buy two hundred (200) Hellfire Air-to-Ground Missiles, AGM–114R; four (4) Hellfire Captive Air Training Missiles (CATM); and six hundred (600) WGU–59A/B Advanced Precision Kill Weapon System (APKWS) II (single variant). The following non-MDE is also included: support equipment; dummy cartridge rounds; containers; training material; inert components; publications; repair of repairables; and training and technical support. The estimated total cost is \$138.26 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO Ally that is an important force for

political stability and economic progress in Europe.

The proposed sale will improve the Czech Republic's capability to strengthen its homeland defense and deter regional threats. This will contribute to its military goals of updating capability while further enhancing interoperability with the United States and other allies. The Czech Republic will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Lockheed Martin, located in Orlando, FL, and BAE Systems, Inc., located in Nashua, NH. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require multiple trips by U.S. Government and contractor representatives to participate in program and technical reviews plus training and maintenance support in country.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–54

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended
Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AGM–114 Hellfire missile is an anti-armor, laser guided, air-to-ground weapon that uses a shaped charge warhead to defeat hard point targets with minimal exposure of the launch helicopter to enemy fire. Guidance is provided through automatic terminal homing on laser signals reflected from a laser designated target. The Hellfire weapon system consists of an AGM–114 series missile, M299 launcher which attaches to multiple platforms with Hellfire-peculiar avionics, and a laser target designator. Laser target designators can be hand-held, tripod-mounted by ground observers, or aircraft-mounted on units such as the Night Targeting System. The missile consists of four major sections: seeker, guidance warhead, propulsion, and control. The only difference between the

Army and Navy basic Hellfire versions is that Navy version has a Safe and Arm (S&A) device in the propulsion section. The S&A device, which has an out-of-line igniter, provides the additional safety required for shipboard use. The M299 guided missile launcher was developed specifically for the Hellfire missile and provides the electronic and mechanical interface between the missile and helicopter. Each launcher can carry one to four missiles. The length, weight, and physical characteristics of the Hellfire missile are the same as the base missile, allowing full compatibility with launch platforms, shipping containers, and support systems currently in place. The Hellfire missile provides attack helicopters and Unmanned Aircraft Systems (UAS) with point target precision strike capability to defeat heavy, advanced armor, individual hard point, and non-traditional targets. Hellfire missiles use semi-active laser (SAL) terminal guidance and are the primary armaments of the AH–64 Apache and Army UAS and Special Operations Aircraft, as well as the MH–60R, AH–1Z, and UH–1Y.

The WGU–59A/B Advanced Precision Kill Weapon System-II (APKWS-II) is a design conversion of an unguided Hydra 2.75-inch rocket with a laser guidance kit to give it precision-kill capability. As a low-cost weapon, it is intended as an inexpensive means to destroy targets while limiting collateral damage in close combat. The APKWS consists of guidance section (single variant block upgrade (SVBU)) developed by BAE Systems, Inc., a legacy 2.75-inch MK66 Mod 4 Rocket Motor, and a legacy Mk151 or Mk152 with Mk435/436 fuze (or other compatible 2.75-inch warhead). These guided rockets are steered to the target by following reflected laser beam energy directed onto the target by either the launching aircraft, a second aircraft, or ground-based troops operating a laser designator. The APKWS II is a tactical rocket system that can be launched from several platforms, including rotary wing aircraft, fixed wing aircraft, and ground-based vehicles, offering multi-mission, multi-target capability, and precision-strike lethality.

2. The highest level of classification of defense articles, components, and

services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Czech Republic can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of the Czech Republic.

[FR Doc. 2025–20076 Filed 11–17–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–31]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–31, Policy Justification.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

AUG 20 2021

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-31, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Tunisia for defense articles and services estimated to cost \$110 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Regional Balance (Classified document provided under separate cover)

Transmittal No. 23-31

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Tunisia

(ii) *Total Estimated Value:*

Major Defense Equipment* ..	\$ 0 million
Other	\$110 million

TOTAL \$110 million

Funding Source: Foreign Military Financing and National Funds

(iii) *Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase:* Foreign

Military Sales (FMS) case TU-P-LBB was below the congressional notification threshold at \$49.3 million for non-MDE 65' SAFE Archangel boats and additional non-MDE articles and services. The Government of Tunisia has requested that the case be amended to include additional non-MDE 65' SAFE Archangel boats and non-MDE articles and services. This amendment will push the current case above the total case value notification threshold and thus notification of the entire case is required.

Major Defense Equipment (MDE):
None
Non-MDE:

Included are 65' SAFE Archangel boats; commercial variant marine global positioning systems; navigation systems; communications equipment; training; and other related elements of logistical and program support.

(iv) *Military Department:* Navy (TU-P-LBB)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress*: August 20, 2024

* as defined in Section 47(6) of the Arms Export Control Act

POLICY JUSTIFICATION

Tunisia—65' SAFE Archangel Boats

The Government of Tunisia has requested to buy additional non-MDE 65' SAFE Archangel boats and additional non-MDE articles and services that will be added to a previously implemented case. The original FMS case, valued at \$49.3 million, included non-MDE 65' SAFE Archangel boats and non-MDE articles and services, consisting of commercial variant marine global positioning systems; navigation systems; communications equipment; training; and other related elements of logistical and program support. The estimated total cost is \$110 million.

This proposed sale will support U.S. foreign policy and national security objectives by helping to improve the security of a major non-NATO ally that continues to play an important role in regional security and Peacekeeping Operations throughout Africa.

The proposed sale will better equip Tunisia to contribute to shared security objectives, promote regional stability,

and build interoperability with the United States and Western partners. The Tunisian Navy uses the 65' SAFE boats for search and rescue, maritime law enforcement, and other maritime-related operations to ensure security in the country and region. The boats will build on Tunisia's existing military capability. Tunisia will have no difficulty absorbing this equipment and services into its armed forces.

The proposed sale of this equipment and services will not alter the basic military balance in the region.

The principal contractor is SAFE Boats International, located in Bremerton, Washington. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will not require the assignment of any U.S. Government or contractor representatives to Tunisia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2025–20029 Filed 11–17–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–08]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–08, Policy Justification, and Sensitivity of Technology.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

AUG 13 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-08, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Israel for defense articles and services estimated to cost \$102.5 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

[Signature]
Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 24-08

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Israel

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$66.0 million
Other	\$36.5 million
TOTAL	\$102.5 million

Funding Source: Foreign Military Financing

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Thirty (30) AIM-120C-8 Advanced Medium Range Air-to-Air Missiles (AMRAAM)

One (1) AMRAAM guidance section (spare)

Non-MDE:

The following non-MDE items will also be included: AMRAAM control sections and containers; Common Munitions Built-In-Test/Reprogramming Equipment (CMBRE); ADU-891/E Adapter Group Computer Test Sets; spare parts, consumables, accessories, repair and return support, classified and unclassified publications, and technical documentation; classified software delivery and support; munitions support and support equipment; test support and support equipment; personnel training and training equipment; warranties; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (IS-D-YAB)

(v) *Prior Related Cases, if any:* IS-D-MXP, IS-D-QFD, IS-D-YES

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* August 13, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

Policy Justification

Israel—Advanced Medium Range Air-to-Air Missiles

The Government of Israel has requested to buy thirty (30) AIM-120C-8 Advanced Medium Range Air-to-Air Missiles (AMRAAM) and one (1) AMRAAM guidance section (spare). The following non-MDE items will also be included: AMRAAM control sections and containers; Common Munitions Built-In-Test/Reprogramming

Equipment (CMBRE); ADU-891/E Adapter Group Computer Test Sets; spare parts, consumables, accessories, repair and return support, classified and unclassified publications, and technical documentation; classified software delivery and support; munitions support and support equipment; test support and support equipment; personnel training and training equipment; warranties; studies and surveys; contractor logistics support services; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$102.5 million.

The United States is committed to the security of Israel, and it is vital to U.S. national interests to assist Israel to develop and maintain a strong and ready self-defense capability. This proposed sale is consistent with those objectives.

The proposed sale will improve Israel's capability to meet current and future threats, strengthen its homeland defense, and serve as a deterrent to regional threats. Israel will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be RTX Corporation, located in Tucson, AZ. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will require the assignment of three additional U.S. Government representatives and one U.S. contractor representative to Israel for a duration of approximately three years to support installation and integration of equipment, provide security for classified equipment, and provide technical assistance, familiarization, and training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-08

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AIM-120C-8 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a supersonic, air-launched, aerial intercept guided missile featuring digital technology and micro-miniature, solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high- and low-flying and maneuvering targets. This potential sale will include an AMRAAM guidance section and control sections.

2. The ADU-891 Adapter Group Test Set provides the physical and electrical interface between the Common Munitions Built-in-Test (BIT)/ Reprogramming Equipment (CMBRE) and the missile.

3. CMBRE is support equipment used to interface with weapon systems to initiate and report Built-in-Test results as well as upload and download flight software. CMBRE supports multiple munitions platforms with a range of applications that perform preflight checks, periodic maintenance checks, loading of Operational Flight Program (OFP) data, loading of munitions mission planning data, loading of global positioning system cryptographic keys, and declassification of munitions memory.

4. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

5. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

6. A determination has been made that Israel can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

7. All defense articles and services listed in this transmittal have been authorized for release and export to Israel.

[FR Doc. 2025-20066 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-43]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-43, Policy Justification, and Sensitivity of Technology.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

JUL 23 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-43, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost \$2.8 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,


James A. Hursch
Director

- Enclosures:
- 1. Transmittal
 - 2. Policy Justification
 - 3. Sensitivity of Technology
 - 4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001-FR-C

Transmittal No. 24-43

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Kingdom of Saudi Arabia

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$ 0
Other	\$2.8 billion
TOTAL	\$2.8 billion

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
None

Non-MDE:

Follow-on logistics support and services, including for Joint Mission Planning Software (JMPS) and support; KIV-77/78 cryptographic devices and support; spares and

repair parts, consumables and accessories, and repair and return support; calibration support and test equipment; ground and personnel equipment; classified and unclassified software and software support, classified and unclassified publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support, in support of, but not limited to, KC-130J, C-130, E-3, RE-3, KE-3, KA-350, Bell 212, and Bell 412 aircraft.

(iv) *Military Department:* Air Force

(v) *Prior Related Cases, if any:* SR-D-GAK, SR-D-QBP, SR-D-QDR, SR-D-QDJ, SR-D-QBW, SR-D-QTP, SR-D-QAT, SR-D-QDQ, SR-D-QAY, SR-D-QAH

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* July 23, 2024
* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kingdom of Saudi Arabia—System Logistics and Sustainment Support

The Kingdom of Saudi Arabia has requested to buy follow-on logistics support and services, including for Joint Mission Planning Software (JMPS) hardware and support; KIV-77/78 cryptographic devices and support; spares and repair parts, consumables and accessories, and repair and return support; calibration support and test equipment; ground and personnel

equipment; classified and unclassified software and software support, classified and unclassified publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support, in support of, but not limited to, KC-130J, C-130, E-3, RE-3, KE-3, KA 350, Bell 212, and Bell 412 aircraft. The estimated total program cost is \$2.8 billion.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a partner country that is a force for political stability and economic progress in the Gulf Region.

The proposed sale will improve the Kingdom of Saudi Arabia's capability to deter current and future threats by providing sustainment and training support of the Royal Saudi Air Force's existing platforms and aircraft fleets. The Kingdom of Saudi Arabia will have no difficulty absorbing this equipment and these services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

There will be various contractors associated with the provision of equipment and services involved with this case, and there is no prime contractor. There are no known offset agreements proposed in connection with this potential sale.

The implementation of this proposed sale may require the assignment of a small number of additional long-term U.S. Government or contractor representatives to the Kingdom of Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-43

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Joint Mission Planning System (JMPS) is a multi-platform, computer-based mission planning system. Its modular suite of systems is tailored to user needs, allowing operators of various aircraft to install planning modules required for flight planning, weapons delivery planning, post-flight debrief, and operational integration.

2. The KIV-77/78 is a cryptographic applique for Identification Friend or Foe systems. It can be loaded with Mode 5 classified elements.

3. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that the Kingdom of Saudi Arabia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national

security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the Kingdom of Saudi Arabia.

[FR Doc. 2025-20079 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-70]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-70, Policy Justification, and Sensitivity of Technology.

Dated: November 14, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY

2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-70, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Germany for defense articles and services estimated to cost \$5.0 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

for 
Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 24-70

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Germany

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$4.0 billion
Other	\$1.0 billion
TOTAL	\$5.0 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Six hundred (600) PATRIOT Advanced Capability-3 (PAC-3) Missile Segment Enhancement (MSE) missiles (includes ten (10) fly-to-buy missiles)

Non-Major Defense Equipment:

The following non-MDE items will also be included: tools and test

equipment; range and test programs; support equipment; associated publications and technical documentation; training equipment; spare and repair parts; new equipment training; transportation; quality assurance team support; U.S. Government and contractor technical assistance, engineering, and logistics support services; systems integration and checkout; field office support; participation in the International Engineering Services Program and Field Surveillance Programs; launcher modification kits; MSE conversion kits; and other related elements of logistics and program support.

(iv) *Military Department:* Army (GY-B-XBY)

(v) *Prior Related Cases, if any:* GY-B-XAX, GY-B-XAV

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* August 15, 2024

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Germany—PATRIOT Advanced Capability-3 Missile Segment Enhancement Missiles

The Government of Germany has requested to buy six hundred (600) PATRIOT Advanced Capability-3 (PAC-3) Missile Segment Enhancement (MSE) missiles (includes ten (10) fly-to-buy missiles). The following non-MDE items will also be included: tools and test equipment; range and test programs; support equipment; associated publications and technical documentation; training equipment; spare and repair parts; new equipment

training; transportation; quality assurance team support; U.S. Government and contractor technical assistance, engineering, and logistics support services; systems integration and checkout; field office support; participation in the International Engineering Services Program and Field Surveillance Programs; launcher modification kits; MSE conversion kits; and other related elements of logistics and program support. The estimated total cost is \$5.0 billion.

This proposed sale will support the foreign policy and national security of the United States by improving the security of a NATO Ally that is an important force for political and economic stability in Europe.

The proposed sale will improve Germany's capability to meet current and future threats and increase the defensive capabilities of its military. It will support Germany's goal of improving national and territorial defense as well as interoperability with U.S. and NATO forces. Germany will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Lockheed Martin, located in Dallas, TX. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Germany.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–70

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) *Sensitivity of Technology:*

1. The PATRIOT Advanced Capability (PAC) 3 Missile Segment Enhancement missile is a small, highly agile, kinetic kill interceptor for defense against tactical ballistic missiles, cruise missiles, and air-breathing threats. The MSE variant of the PAC–3 missile represents the next generation in hit-to-kill interceptors and provides expanded battlespace against evolving threats. The PAC–3 MSE improves upon the original PAC–3 capability with a higher performance solid rocket motor, modified lethality enhancer, more responsive control surfaces, upgraded guidance software, and insensitive munitions improvements.

2. The highest level of classification of defense articles, components, and services included in this potential sale is CONFIDENTIAL.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Government of Germany can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government.

This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Germany.

[FR Doc. 2025–20147 Filed 11–17–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–0K]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Urooj Zahra at (703) 695–6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–0K.

Dated: November 13, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 DEFENSE PENTAGON
WASHINGTON, DC 20301-2800

SEP 24 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-0K. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 16-62 of December 7, 2016.

Sincerely,

Michael F. Miller
Director

Enclosures:

1. Transmittal
2. Regional Balance (Classified document provided under separate cover)

Transmittal No. 24-0K

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(C), AECA)

(i) *Purchaser:* Government of Qatar
(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 16-62

Date: December 7, 2016
Implementing Agency: Air Force
Funding Source: National Funds
(iii) *Description:* On December 7, 2016, Congress was notified by congressional certification transmittal number 16-62 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of continued logistics support for eight (8) C-17 aircraft which included contract labor for sustainment engineering, on-site COMSEC support, Quality Assurance, support equipment repair, supply chain management, spares replenishment, maintenance, back shop support, and centralized maintenance support/associated services. Required upgrades included fixed installation satellite antenna, Mode 5+ installation sustainment, Automaniac Dependent Surveillance-Broadcast Out, and two

special operations loading ramps. The estimated cost total was \$700 million. There was no Major Defense Equipment (MDE) associated with this sale.

This transmittal reports the addition of the following non-MDE items: Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); KIV-77 MODE 4 Identification Friend or Foe (IFF) cryptographic Appliques; Computer Program Identification Numbers (CPINs); Precision Measurement Equipment Laboratory (PMEL) Calibration; Joint Mission Planning System (JMPS) with unique planning components; major modifications and maintenance support; aircraft or engine support equipment; spare and repair parts, consumables and accessories, and repair and return support; classified and unclassified software delivery and support; maps, classified and unclassified publications, and technical documentation; personnel training and training equipment; clothing, textiles, and individual equipment; U.S. Government and contractor engineering, technical, and logistics support services; studies and

surveys; and other related elements of logistics and program support. There is no additional MDE being added and the total net cost of MDE remains \$0. The estimated total value of the new non-MDE items is \$816 million. The estimated total case value will increase to \$1.516 billion.

(iv) *Significance:* The inclusion of this non-MDE represents an increase in capability over what was previously notified.

(v) *Justification:* This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a friendly country that continues to be an important force for political stability and economic progress in the Middle East.

(vi) *Date Report Delivered to Congress:* September 24, 2024
[FR Doc. 2025-20036 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE**Office of the Secretary****Termination of Department of Defense Federal Advisory Committee—Defense Advisory Committee on Women in the Services****AGENCY:** Department of Defense (DoD).**ACTION:** Termination of Federal Advisory Committee.**SUMMARY:** The DoD is publishing this notice to announce that it is terminating the Defense Advisory Committee on Women in the Services (DACOWITS).**FOR FURTHER INFORMATION CONTACT:** Jim Freeman, Advisory Committee Management Officer for the DoD, 703-692-5952.**SUPPLEMENTARY INFORMATION:** Having completed its mission, the DACOWITS is being terminated in accordance with chapter 10 of title 5, United States Code

(commonly referred to as the “Federal Advisory Committee Act” or “FACA”) and 41 Code of Federal Regulations chapter 102-3.55(2), effective September 17, 2025.

Dated: November 14, 2025.

Aaron T. Siegel,*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2025-20198 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P**DEPARTMENT OF DEFENSE****Office of the Secretary****[Transmittal No. 24-71]****Arms Sales Notification****AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).**ACTION:** Arms sales notice.**SUMMARY:** The DoD is publishing the unclassified text of an arms sales notification.**FOR FURTHER INFORMATION CONTACT:**Urooj Zahra at (703) 695-6233, urooj.zahra.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.**SUPPLEMENTARY INFORMATION:** This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-71 and Policy Justification.

Dated: November 14, 2025.

Aaron T. Siegel,*Alternate OSD Federal Register Liaison Officer, Department of Defense.***BILLING CODE 6001-FR-P****DEFENSE SECURITY COOPERATION AGENCY**2800 Defense Pentagon
Washington, DC 20301-2800

September 3, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-71, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost \$150 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification

BILLING CODE 6001-FR-C

Transmittal No. 24-71

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Japan

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$ 0
Other	\$150 million

TOTAL	\$150 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
None

Non-Major Defense Equipment:

Follow-on technical support of AEGIS Class Destroyers, which will include sustainment support and services; AEGIS computer software updates; system integration and testing; in-country and on-site engineering support; familiarization; sustainment; all necessary emergent support engineering and technical support services; operational support; system overhauls; system upgrades; on-the-job practical operations and maintenance; combat systems integration; development, testing, and installation of program patches and adaptation data and annual service agreements; technical inquiries by the purchaser; operation; integration; maintenance; field service engineering; problem investigation; technical assistance; solutions to the technical problems arising from post production and testing capabilities; U.S. Government and contractor technical assistance; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (JA-P-QNB)

(v) *Prior Related Cases, if any:* JA-P-QHM; JA-P-QFA

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* September 3, 2024

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Japan—AEGIS Class Destroyer Follow-On Technical Support

The Government of Japan has requested to buy follow-on technical

support of AEGIS Class Destroyers, which will include sustainment support and services; AEGIS computer software updates; system integration and testing; in-country and on-site engineering support; familiarization; sustainment; all necessary emergent support engineering and technical support services; operational support; system overhauls; system upgrades; on-the-job practical operations and maintenance; combat systems integration; development, testing, and installation of program patches and adaptation data and annual service agreements; technical inquiries by the purchaser; operation; integration; maintenance; field service engineering; problem investigation; technical assistance; solutions to the technical problems arising from post production and testing capabilities; U.S. Government and contractor technical assistance; and other related elements of logistics and program support. The estimated total cost is \$150 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a major ally that is a force for political stability and economic progress in the Indo-Pacific region.

The proposed sale is critical to ensure the Japan Maritime Self Defense Force's (JMSDF) AEGIS Destroyer fleet and computer program test sites remain ready to provide capabilities in the defense of Japan. Specifically, the requested AEGIS computer program maintenance services will provide JMSDF with software patches and adaptation data support that are vital to the effective and safe operations of the AEGIS Combat Systems (ACS) suite. The in-country engineering and emergent support will assist JMSDF to address any malfunctions or faults that may arise with the ACS suite. Japan will have no difficulty absorbing these services and support into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin Corporation, located in Moorestown, NJ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the temporary assignment of five U.S. Government and two contractor representatives to Japan.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2025-20149 Filed 11-17-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Fiscal Year 2025 Performance Review Board

AGENCY: Department of the Navy (DoN), Department of Defense.

ACTION: Notice.

SUMMARY: The DoN announces the appointment of members to the DoN Senior Executive Service (SES), Senior Level, and Scientific and Professional Fiscal Year 2025 Performance Review Board (PRB). The purpose of the PRB is to provide fair and impartial review of the annual SES performance appraisal prepared by the senior executive's immediate and second level supervisor; to make recommendations to appointing officials regarding acceptance or modification of the performance rating; and to make recommendations for performance-based bonuses and performance-based pay increases.

FOR FURTHER INFORMATION CONTACT: Kim Hanson, Director, Executive Management Program Office, Manpower and Reserve Affairs at 703-693-8896 or kim.t.hanson.civ@us.navy.mil.

SUPPLEMENTARY INFORMATION:

Composition of the specific PRB is provided below:

Mr. C. Scott Duncan
Ms. E. Anne Sandel
Dr. Brett Seidle
Ms. Lisa St. Andre
Mr. Steven Parode
Dr. Bruce Danly
Mr. Thomas Rudowsky
Mr. Christopher Miller
Mr. John Pope III
Dr. Michael Strobl
Ms. Catherine Kessmeier
Ms. Kate DeMane (HLR)
Ms. Jennifer Edgin (HLR)
Ms. Jennifer LaTorre (Chair)

(Authority: 5 U.S.C. 4314(c)(4))

Dated: November 13, 2025.

A.R. DeMaio,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2025-20023 Filed 11-17-25; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF ENERGY

[Docket No. 15-90-LNG]

Cameron LNG, LLC; Application for Commencement Extension, Term Extension, and Partial Vacatur

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy and Carbon Management (FECM) (formerly the Office of Fossil Energy (FE)) of the Department of Energy (DOE) gives notice (Notice) of receipt of an Application (Application), filed on October 23, 2025, by Cameron LNG, LLC (Cameron LNG). Cameron LNG asks DOE to amend its existing authorization to export U.S.-sourced natural gas in the form of liquefied natural gas (LNG) from the Cameron LNG Terminal in Cameron and Calcasieu Parishes, Louisiana, to non-free trade agreement countries set forth in DOE/FE Order No. 3846 (as amended)—specifically, (1) to extend the export commencement deadline in said authorization; (2) to extend the term of said authorization to the later of twenty years after the date of first commercial export or December 31, 2050, with an additional three-year post-term make-up period; and (3) to vacate said authorization, in part, to reduce the authorized export volume to be in line with design adjustments and efficiency improvements to Cameron LNG's project facilities. Cameron LNG filed the Application under the Natural Gas Act (NGA).

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed electronically as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, December 18, 2025.

ADDRESSES:

Electronic Filing by email (Strongly encouraged): fergas@hq.doe.gov.

Postal Mail, Hand Delivery, or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE-34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E-056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (FE-34), Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-4749 or (202) 586-7893, jennifer.wade@hq.doe.gov or peri.ulrey@hq.doe.gov.

Irene V. Norville, U.S. Department of Energy (GC-76), Office of the Assistant

General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D-033, 1000 Independence Avenue SW, Washington, DC 20585, (240) 702-5679, irene.norville@hq.doe.gov.

SUPPLEMENTARY INFORMATION: On July 15, 2016, in Order No. 3846 (as amended),¹ DOE authorized Cameron LNG to export LNG in a volume equivalent to 515 billion cubic feet per year (Bcf/yr) of natural gas by vessel from Trains 4 and 5 of the Cameron LNG Terminal (the "Expansion Project") to any country with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries), pursuant to NGA section 3(a).² Cameron LNG is authorized to export this LNG for a term extending through December 31, 2050.³

As relevant here, Order No. 3846, as amended, requires Cameron LNG to "commence commercial export operations using the planned liquefaction facilities no later than May 5, 2026."⁴ In its Application, Cameron LNG "requests that the deadline for the commencement of service for Non-FTA exports pursuant to Order No 3864-A be changed to March 16, 2033[.]"⁵ Cameron LNG adds that its Application is "consistent with" a request it filed with the Federal Energy Regulatory Commission (FERC) on October 21, 2025, to extend the construction deadline under its current FERC authorization.⁶

In the Application, Cameron LNG asserts that DOE has good cause to grant its commencement deadline extension

request. Cameron LNG states that its requested extension "arises primarily out of its customers' request for redesign of the Expansion Project[.]" including "enhanc[ing] the efficiency and reliability of the remaining train."⁷ Cameron LNG further states that it "has commenced construction activities for the Expansion Project[.]" so far having "spent approximately \$100 million in costs related to the project[.]"⁸ In addition, Cameron LNG states it has taken "important commercial steps in furtherance of the project" and "obtained all necessary Federal, state, and local permits for the construction of the amended Expansion Project."⁹ In the process, Cameron LNG has overcome a series of "unforeseen delays that transpired due to circumstances surrounding its joint-venture owners" and that it could not control,¹⁰ such as the delay involving "the regulatory process for seeking and obtaining FERC approval for the redesign of the Expansion Project" that Cameron LNG says its customers requested and that it sought via amendment in January 2022.¹¹ Cameron LNG maintains that its "requested extension will not disturb DOE/FECM's underlying public interest determinations regarding the Non-FTA Authorization[.]" and that "[n]o facts or requirements associated with the Non-FTA Authorization would be affected by the requested extension beyond the additional time period to commence operations."¹²

Cameron LNG also asks DOE to extend the term of its authorization "to the later of (a) December 31, 2050, or (b) 20 years after the date of first commercial export," along with "a three-year, post-term make-up period."¹³ According to Cameron, "it is likely that a term ending on December 31, 2050, would be less than 20 years, which is the industry standard for the long-term sale and purchase agreements that support the financing of LNG export terminals[.]" such as its Expansion Project.¹⁴ Cameron maintains that a term extension for a minimum of 20 years with a three-year make-up period is "not inconsistent with the public interest."¹⁵

Finally, Cameron LNG asks DOE to reduce its authorized export volume

¹ *Cameron LNG, LLC*, DOE/FE Order No. 3846, Docket No. 15-90-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from Trains 4 and 5 of the Cameron LNG Terminal in Cameron and Calcasieu Parishes, Louisiana, to Non-Free Trade Agreement Nations (July 15, 2016), amended by DOE/FE Order No. 3846-A (Nov. 2, 2020) (extending commencement deadline), further amended by DOE/FE Order No. 3846-B (Dec. 30, 2020) (extending export term).

² 15 U.S.C. 717b(a).

³ *Cameron LNG, LLC*, DOE/FE Order No. 3846, as amended by DOE/FE Order No. 3846-B (Ordering Para. B).

⁴ *Cameron LNG, LLC*, DOE/FE Order No. 3846, as amended by DOE/FE Order No. 3846-A (Ordering Para. D).

⁵ *Cameron LNG, LLC*, Application for Commencement Extension, Term Extension, and Partial Vacatur, Docket Nos. 15-36-LNG & 15-90-LNG, at 6 (Oct. 23, 2025) [hereinafter App.]. The Application also includes a request pertaining to Cameron LNG's existing FTA order in Docket No. 15-36-LNG. DOE will address the FTA portion of the Application separately pursuant to NGA section 3(c), 15 U.S.C. 717b(c).

⁶ See App. at 6.

⁷ *Id.* at 8.

⁸ *Id.*

⁹ *Id.* at 9.

¹⁰ *Id.* at 9-10.

¹¹ *Id.* at 10.

¹² App. at 10.

¹³ *Id.* at 13.

¹⁴ *Id.* at 12.

¹⁵ *Id.* at 13.

from 515 Bcf/yr to 350 Bcf/yr,¹⁶ due to “the efficiency design modifications to Train 4 and the elimination of the fifth train and fifth storage tank.”¹⁷ Cameron LNG states that FERC has certified this amended capacity, and that the partial vacatur it requests would authorize LNG exports “up to a volume equivalent to the proposed production capacity of the amended Expansion Project facilities” that FERC has already approved.¹⁸

Additional details can be found in the Application, posted on the DOE website at: <https://www.energy.gov/sites/default/files/2025-10/Cameron%20LNG%20Request%20for%20Extension%20and%20Partial%20Vacatur%20%2815-36-LNG%20%2015-90-LNG%29.pdf>.

DOE Evaluation

In reviewing the Application, DOE will consider any issues required by law or policy under NGA section 3(a), DOE's regulations, and any other documents deemed appropriate.

Parties that may oppose the Application should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable, addressing the Application. Interested parties will be provided 30 days from the date of publication of this Notice in the **Federal Register** in which to submit comments, protests, motions to intervene, or notices of intervention. The public previously was given an opportunity to intervene in, protest, and comment on Cameron LNG's long-term non-FTA application in this docket. Therefore, DOE will not consider comments or protests that do not bear directly on this Application.

Any person wishing to become a party to this proceeding evaluating Cameron LNG's Application must file a motion to intervene or notice of intervention.¹⁹

The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to this proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

(1) Submitting the filing electronically at fergas@hq.doe.gov;

(2) Mailing the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section; or

(3) Hand delivering the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically. All filings must include a reference to “Docket No. 15–90–LNG” or “Cameron LNG Application for Commencement Extension, Term Extension, and Partial Vacatur” in the title line. Filings must be submitted in English to be considered.²⁰

For electronic submissions: Please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Application, and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at www.energy.gov/fecm/regulation.

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final

address the Application must file a new motion to intervene (or notice of intervention, as applicable). 10 CFR 590.303.

²⁰ Executive Order 14224 of March 1, 2025, *Designating English as the Official Language of the United States*, 90 FR 11363 (Mar. 6, 2025).

Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

Signed in Washington, DC, on November 14, 2025.

Amy Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability.

[FR Doc. 2025–20220 Filed 11–17–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. 18–144–LNG]

ECA Liquefaction, S. de R.L. de C.V.; Request for Extension of Export Commencement Deadline

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of request.

SUMMARY: The Office of Fossil Energy and Carbon Management (FECM) (formerly the Office of Fossil Energy (FE)) of the Department of Energy (DOE) gives notice (Notice) of receipt of a request (Request), filed on September 19, 2025, by ECA Liquefaction, S. de R.L. de C.V. (ECA Liquefaction). ECA Liquefaction asks DOE to amend its existing authorization to re-export U.S.-sourced natural gas in the form of liquefied natural gas (LNG) from the ECA Mid-Scale Project (Project), currently under construction, in Ensenada, Baja California, Mexico, to non-free trade agreement countries set forth in DOE/FE Order No. 4364 (as amended)—specifically, to extend the current export commencement deadline in its order. ECA Liquefaction filed the Request under the Natural Gas Act (NGA).

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed electronically as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, December 18, 2025.

ADDRESSES:

Electronic Filing by email (Strongly encouraged): fergas@hq.doe.gov.

Postal Mail, Hand Delivery, or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–056, 1000 Independence Avenue SW, Washington, DC 20585.

¹⁶ See *id.* at 14.

¹⁷ *Id.* at 10.

¹⁸ App. at 14.

¹⁹ Status as an intervenor in prior proceeding(s) in this docket does not continue to this proceeding evaluating Cameron LNG's Application, and therefore any person interested in intervening to

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (FE-34) Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-4749 or (202) 586-7893, jennifer.wade@hq.doe.gov or peri.ulrey@hq.doe.gov.

Irene V. Norville, U.S. Department of Energy (GC-76) Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D-033, 1000 Independence Avenue SW, Washington, DC 20585, (240) 702-5679, irene.norville@hq.doe.gov.

SUPPLEMENTARY INFORMATION: On March 29, 2019, in Order No. 4364 (as amended),¹ DOE authorized ECA Liquefaction to re-export U.S.-sourced natural gas in the form of LNG in a volume equivalent to 161 billion cubic feet per year (Bcf/yr) of natural gas by vessel from the proposed Project, currently under construction, located north of Ensenada in Baja California, Mexico, approximately 31 miles south of the San Diego-Tijuana/San Ysidro border between the United States and Mexico, to any country with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries), pursuant to NGA section 3(a).² ECA Liquefaction is authorized to re-export this LNG for a term extending through December 31, 2050.³

As relevant here, Order No. 4364, as amended, requires ECA Liquefaction to “commence re-export operations using the planned liquefaction facilities no later than seven years from the date of issuance of this Order”—i.e., by March

29, 2026.⁴ In the Request, ECA Liquefaction asks DOE to “extend the deadline for commercial export of LNG under the Non-FTA Authorization to September 21, 2026.”⁵

In the Request, ECA Liquefaction asserts that there is good cause for the commencement deadline extension request. ECA Liquefaction states that it “has proceeded expeditiously to advance the ECA Mid-Scale Project and has worked diligently to develop the project in a manner consistent with the DOE/FECM authorizations.”⁶ ECA Liquefaction further states that “[c]onstruction of the ECA Mid-Scale Project is 93.49% complete, with total project progress (including pre-commissioning and commissioning activities) reaching a cumulative 94.85%.”⁷ ECA Liquefaction maintains that it requests “an extension of the existing commencement deadline to complete the [remaining] construction and place the export facilities into service.”⁸ ECA Liquefaction adds that it “does not propose any changes to the nature, scope, or the design of the ECA Mid-Scale Project” and that “[n]either will the overall volume of [natural] gas to be exported under the order be increased[.]”⁹

Additional details can be found in the Request, posted on the DOE website at: <https://www.energy.gov/sites/default/files/2025-09/ECA%20Phase%201%20DOE%20Request%20for%20Extension%209.19.2025.pdf>.

DOE Evaluation

In reviewing the Request, DOE will consider any issues required by law or policy under NGA section 3(a), DOE's regulations, and any other documents deemed appropriate.

Parties that may oppose the Request should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the Request.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No

final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable, addressing the Request. Interested parties will be provided 30 days from the date of publication of this Notice in the **Federal Register** in which to submit comments, protests, motions to intervene, or notices of intervention. The public previously was given an opportunity to intervene in, protest, and comment on ECA Liquefaction's long-term non-FTA application in this docket. Therefore, DOE will not consider comments or protests that do not bear directly on this Request.

Any person wishing to become a party to this proceeding evaluating ECA Liquefaction's Request must file a motion to intervene or notice of intervention.¹⁰ The filing of comments or a protest with respect to the Request will not serve to make the commenter or protestant a party to this proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Request. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

(1) Submitting the filing electronically at fergas@hq.doe.gov;

(2) Mailing the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section; or

(3) Hand delivering the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically. All filings must include a reference to “Docket No. 18–144–LNG” or “ECA Liquefaction Request for Extension” in the title line. Filings must be submitted in English to be considered.¹¹

¹⁰ Status as an intervenor in prior proceeding(s) in this docket does not continue to this proceeding evaluating ECA Liquefaction's Request, and therefore any person interested in intervening to address the Request must file a new motion to intervene (or notice of intervention, as applicable). 10 CFR 590.303.

¹¹ Executive Order 14224 of March 1, 2025, *Designating English as the Official Language of the United States*, 90 FR 11363 (Mar. 6, 2025).

¹ *ECA Liquefaction, S. de R.L. de C.V.*, DOE/FE Order No. 4364, Docket No. 18–144–LNG, Opinion and Order Granting Long-Term Authorization to Re-Export U.S.-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Countries (ECA Mid-Scale Project) (Mar. 29, 2019), *amended by* DOE/FE Order No. 4364–A (Oct. 7, 2019) (transferring authorization from Energia Costa Azul, S. de R.L. de C.V. to ECA Liquefaction, S. de R.L. de C.V.), *amended by* DOE/FE Order No. 4364–B (Dec. 10, 2020) (extending export term).

² 15 U.S.C. 717b(a).

³ *ECA Liquefaction, S. de R.L. de C.V.*, DOE/FE Order No. 4364–B at 10.

⁴ *ECA Liquefaction, S. de R.L. de C.V.*, DOE/FE Order No. 4364, at 52 (Ordering Para. D).

⁵ *ECA Liquefaction, S. de R.L. de C.V.*, Request for Extensions for Long-Term Authorizations to Export Liquefied Natural Gas, Docket No. 18–144–LNG, at 1, 3 (Sept. 19, 2025) [hereinafter Request]. The Application also applies to ECA Liquefaction's existing FTA order in Docket No. 18–144–LNG, but DOE will address the FTA portion of the Application separately pursuant to NGA section 3(c), 15 U.S.C. 717b(c).

⁶ Request at 5.

⁷ *Id.*

⁸ *Id.* at 5–6.

⁹ *Id.* at 4.

For electronic submissions: Please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Request, and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at www.energy.gov/fecm/regulation.

A decisional record on the Request will be developed through responses to this Notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Order may be issued based on the official record, including the Request and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

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

Amy Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability.

[FR Doc. 2025–20044 Filed 11–17–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Petroleum Council Meeting

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the National Petroleum Council. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, December 3, 2025; 9 a.m. to no later than 12 p.m. (EST).

ADDRESSES: Willard InterContinental, 1401 Pennsylvania Avenue NW, Washington, DC 20004. In-person meeting. Information to access a live stream of the meeting proceedings will be available at: www.energy.gov/fecm/national-petroleum-council-npc.

FOR FURTHER INFORMATION CONTACT: Paul Bamonte, U.S. Department of Energy, Office of Resource Sustainability (FE–

30), 1000 Independence Avenue SW, Washington, DC 20585; telephone: (240) 252–8069 or email: paul.bamonte@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas, and the oil and natural gas industries.

Purpose of the Meeting: The National Petroleum Council will hold a meeting on December 3, 2025, to present and consider for approval the final reports of the Committees on Gas-Electric Coordination and Oil and Gas Infrastructure Permitting.

Tentative Agenda:

- Call to Order and Introductory Remarks
- Department of Energy Remarks
- Presentations, Discussion, and Consideration of the Final Reports of the NPC Gas-Electric Coordination and Oil and Gas Infrastructure Permitting Committees
- Discussion of Any Other Business Properly Brought Before the National Petroleum Council
- Adjournment

Public Participation: The meeting is open to the public. The Chair of the Council will conduct the meeting to facilitate the orderly conduct of business. Members of the public who wish to make oral statements pertaining to agenda items should contact Mr. Paul Bamonte at the address or telephone number listed above. Approximately 15 minutes will be reserved for public comments. The time allocated per speaker will depend on the number of requests received but will not exceed five minutes. Requests for oral statements must be received at least seven days prior to the meeting. Those not able to attend the meeting or having insufficient time to address the Council are invited to send a written statement to paul.bamonte@hq.doe.gov. Any member of the public who wishes to file a written statement to the Council will be permitted to do so, either before or after the meeting.

Minutes: The minutes of the meeting will be available at <https://www.energy.gov/fecm/national-petroleum-council-npc>, or by contacting Mr. Bamonte. He may be reached at the postal address or email address listed previously.

Signing Authority: This document of the Department of Energy was signed on November 13, 2025, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document

with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on November 14, 2025.

Jennifer Hartzell,

Alternate Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2025–20133 Filed 11–17–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. 15–190–LNG]

Change In Control: Rio Grande LNG, LLC; Rio Grande LNG Train 4, LLC; and Rio Grande LNG Train 5, LLC

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of change in control.

SUMMARY: The Office of Fossil Energy and Carbon Management (FECM) of the Department of Energy (DOE) gives notice of receipt of a Statement and Notice of Change in Control (Notice) filed by Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC (RGLNG 4), and Rio Grande LNG Train 5, LLC (collectively, the Rio Grande Entities) on October 1, 2025. The Notice describes a change in RGLNG 4's upstream ownership. The Notice was filed under the Natural Gas Act, and in accordance with DOE's regulations and DOE's Procedures for Changes in Control Affecting Applications and Authorizations to Import or Export Natural Gas (CIC Procedures).

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, December 3, 2025.

ADDRESSES:

Electronic Filing by email (Strongly encouraged): fergas@hq.doe.gov.

Postal Mail, Hand Delivery, or Private Delivery Services (e.g., FedEx, UPS, etc.)

U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy and Carbon Management, Forrestal Building,

Room 3E-056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (FE-34), Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-4749 or (202) 586-7893, jennifer.wade@hq.doe.gov or peri.ulrey@hq.doe.gov.

Irene V. Norville, U.S. Department of Energy (GC-76), Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D-033, 1000 Independence Avenue SW, Washington, DC 20585, (240) 702-5679, irene.norville@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

Summary of Change in Control

RGLNG 4 states that, pursuant to a transaction that closed on September 9, 2025 (Transaction), its upstream ownership has changed. RGLNG 4 states that, prior to the Transaction, it was an indirect, wholly-owned subsidiary of NextDecade LNG, LLC (NextDecade LNG). RGLNG 4 states that it will own the fourth liquefaction train (Train 4) at the Rio Grande LNG Terminal.

According to the RGLNG 4, as a result of the Transaction, GIP V Velocity Aggregator T4, L.P. (GIP V Velocity), a limited partnership managed by a controlled affiliate of Global Infrastructure Management, LLC, and Global LNG North America Corp., a subsidiary of TotalEnergies SE, acquired 50 percent and 10 percent membership interests, respectively, in Rio Grande LNG Train 4 Intermediate Holdings, LLC (RGIH 4), which, in turn, indirectly owns 100 percent of RGLNG 4.¹ RGLNG 4 states that, following consummation of the Transaction, NextDecade LNG remains the owner of 40 percent membership interest in RGIH 4, and its economic interest may increase to 60 percent (with GIP V Velocity's economic interest decreasing to 30%) upon GIP V Velocity's achievement of certain

returns on its investment from Train 4. RGLNG 4 further states that NextDecade LNG will continue to be responsible for operations and maintenance at the Rio Grande LNG Terminal for the benefit of the Rio Grande Entities.

Charts illustrating the ownership structure of RGLNG 4 before and after the Transaction are attached as appendices A and Appendix B to the Notice, posted on the DOE website at www.energy.gov/sites/default/files/2025-10/RGLNG%204%20CIC.pdf.

DOE Evaluation

DOE will review the Notice in accordance with its CIC Procedures.² Consistent with the CIC Procedures, this notice addresses Rio Grande Entities' existing authorization to export LNG to countries with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas and with which trade is not prohibited by United States law or policy (non-FTA countries), granted in DOE/FECM Order No. 4492, as amended.³ If no interested person protests the change in control and DOE takes no action on its own motion, the proposed change in control will be deemed granted 30 days after publication in the **Federal Register**. If one or more protests are submitted, DOE will review any motions to intervene, protests, and answers, and will issue a determination as to whether the proposed change in control has been demonstrated to render the underlying authorizations inconsistent with the public interest.

Public Comment Procedures

Interested persons will be provided 15 days from the date of publication of this notice in the **Federal Register** to move to intervene, protest, and answer Rio Grande Entities' Notice.⁴ Protests, motions to intervene, notices of intervention, and written comments are invited in response to this notice only as to the change in control described in the Notice. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

(1) Submitting the filing electronically at fergas@hq.doe.gov;

(2) Mailing the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section; or

(3) Hand delivering the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically. All filings must include a reference to "Docket No. 15-190-LNG" in the title line, or "Rio Grande LNG Train 4 Change in Control" in the title line. Filings must be submitted in English to be considered.⁵

For electronic submissions: Please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Notice, and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at www.energy.gov/fecm/regulation.

Signed in Washington, DC, on November 14, 2025.

Amy R. Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability.

[FR Doc. 2025-20210 Filed 11-17-25; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Notice of Establishment of One and Termination of Six Federal Advisory Committees

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of establishment of a Unified Office of Science Federal Advisory Committee and termination of six Office of Science Federal Advisory Committees.

SUMMARY: The Department of Energy (DOE) is publishing this notice pursuant to the Federal Advisory Committee Act (FACA) of 1975, Federal Advisory Committee Management regulations, and following consultation with the Committee Management Secretariat of

¹ Due to the foreign economic interests resulting from the Transaction, RGLNG 4's change in control may require the approval of the Committee on Foreign Investment in the United States (CFIUS). DOE expresses no opinion regarding the need for review by CFIUS. Additional information may be obtained at: <https://home.treasury.gov/policy-issues/international/the-committee-on-foreign-investment-in-the-united-states-cfius>.

² 79 FR 65541 (Nov. 5, 2014).

³ RGLNG 4's Notice also applies to the company's existing authorization to export LNG to FTA countries in the same docket. DOE will respond to that portion of the filing separately pursuant to the CIC Procedures, 79 FR 65542.

⁴ Intervention, if granted, would constitute intervention only in the change in control portion of these proceedings, as described herein.

⁵ Executive Order 14224 of March 1, 2025, *Designating English as the Official Language of the United States*, 90 FR 11363 (Mar. 6, 2025).

the General Services Administration. Notice is hereby given that a new unified Committee, the Office of Science Advisory Committee (SCAC), will be established for a two-year period. The Committee will provide advice, information, and recommendations to the Director, Office of Science, Department of Energy, on a continuing basis on the SC programs. This unified advisory committee, which will replace the Office of Science six programmatic advisory committees, will better support the cross-disciplinary mission and strategic direction of the office.

DATES: This also serves as notification that the following Federal Advisory Committees were terminated effective August 8, 2025: Advanced Scientific Computing Advisory Committee, Basic Energy Sciences Advisory Committee, Biological and Environmental Research Advisory Committee, Fusion Energy Sciences Advisory Committee, High Energy Physics Advisory Panel, and the Nuclear Science Advisory Committee.

FOR FURTHER INFORMATION CONTACT:

Linda Horton, Associate Deputy Director for Science Programs; telephone: (301) 903-7506; email: Linda.Horton@science.doe.gov.

SUPPLEMENTARY INFORMATION: For the new Committee being formed, SCAC, members will be carefully considered to be balanced in terms of views represented and functions to be performed, in accordance with FACA, and to obtain a balance of scientific disciplines, experiences, points of view, and geography. Members shall be experts in their respective fields from entities, including, but not limited to, National Laboratories, research facilities, industry, and academic institutions. Membership and representation of all interests will be determined in accordance with the requirements of FACA.

The Committee will operate in accordance with the provisions of FACA and the rules and regulations in implementation of that Act. The Committee has been deemed essential to DOE's business and in the public interest, in conjunction with the performance of duties imposed upon the DOE, by law and agreement.

Six Committees are being terminated under the provision of the Federal Advisory Committee Act of 1975 (5 U.S.C. Ch. 10) and 41 CFR 102-3.55.

Signing Authority

This document was signed on November 13, 2025, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document

with the original signature and date is maintained by the Department of Energy. 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 14, 2025.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2025-20131 Filed 11-17-25; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

[Docket No. 20-23-LNG]

Change In Control: Port Arthur LNG Phase II, LLC

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of change in control.

SUMMARY: The Office of Fossil Energy and Carbon Management (FECM) of the Department of Energy (DOE) gives notice of receipt of a Statement of Change in Control (Statement) filed by Port Arthur LNG Phase II, LLC (PALNG Phase II) on October 2, 2025. The Statement describes a change in PALNG Phase II's upstream ownership. The Statement was filed under the Natural Gas Act, and in accordance with DOE's regulations and DOE's Procedures for Changes in Control Affecting Applications and Authorizations to Import or Export Natural Gas (CIC Procedures).

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, December 3, 2025.

ADDRESSES:

Electronic Filing by email (Strongly encouraged): fergas@hq.doe.gov.

Postal Mail, Hand Delivery, or Private Delivery Services (e.g., FedEx, UPS, etc.):

U.S. Department of Energy (FE-34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E-056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (FE-34) Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-4749 or (202) 586-7893, jennifer.wade@hq.doe.gov or peri.ulrey@hq.doe.gov.

Irene V. Norville, U.S. Department of Energy (GC-76) Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D-033, 1000 Independence Avenue SW, Washington, DC 20585, (240) 702-5679, irene.norville@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

Summary of Change in Control

PALNG Phase II states that, by means of a transaction (Transaction) that was executed effective as of September 22, 2025, its upstream ownership has changed. According to the Statement, prior to the Transaction, PALNG Phase II was a wholly-owned subsidiary of Port Arthur LNG Phase II Intermediate Company, LLC (Phase II JVCo), which in turn was wholly-owned by Port Arthur Liquefaction Holdings Phase II, LLC (Strategic Member). PALNG Phase II further states that Strategic Member is indirectly wholly-owned by Sempra Infrastructure Partners, LP (SI Partners), which is jointly owned by Sempra (70%), KKR Pinnacle Investor, L.P. (20%), a subsidiary of KKR & Co. Inc., and Black Silverback ZC 2022 LP (10%), a wholly-owned indirect subsidiary of Abu Dhabi Investment Authority.

As relevant here, PALNG Phase II states that, following the Transaction, a consortium led by Blackstone Credit and Insurance (Investor Members), namely BX Frontier Member I LLC and BX Frontier Member II LLC, acquired 40.0 percent and 9.9 percent equity interest, respectively, for a combined 49.9 percent ownership interest, in Phase II JVCo, the direct upstream owner of PALNG Phase II.¹ PALNG Phase II states that BX Frontier Member

¹ Due to the foreign economic interests resulting from the Transaction, PALNG Phase II's change in control may require the approval of the Committee on Foreign Investment in the United States (CFIUS). DOE expresses no opinion regarding the need for review by CFIUS. Additional information may be obtained at: <https://home.treasury.gov/policy-issues/international/the-committee-on-foreign-investment-in-the-united-states-cfius>.

I LLC is wholly-owned by BX Frontier Member I Holdings LLC, which is 50.1 percent indirectly controlled by Blackstone Inc. and 49.9 percent jointly indirectly controlled by affiliates of KKR & Co. Inc., Apollo Global Management, Inc., and Goldman Sachs Asset Management. BX Frontier Member II LLC is wholly-owned by Blackstone Private Credit Fund, which is indirectly controlled by Blackstone Inc.

According to PALNG Phase II, SI Partners will continue to be responsible for operational control of PALNG Phase II, and through Strategic Member, a 50.1 percent ownership interest in Phase II JVCo, with Investor Members having certain customary minority protections, including the ability to appoint members of the board that will manage Phase II JVCo.

Charts illustrating the ownership structure of PALNG Phase II before and after the Transaction are attached to the Statement as appendices A and B, respectively. Additional details can be found in the Statement, posted on the DOE website at: www.energy.gov/sites/default/files/2025-10/PALNG2%20CIC%20Statement.pdf.

DOE Evaluation

DOE will review the Statement in accordance with its CIC Procedures.² Consistent with the CIC Procedures, this notice addresses PALNG Phase II's existing authorization to export LNG to countries with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas and with which trade is not prohibited by United States law or policy (non-FTA countries), granted in DOE/FECM Order No. 5292, as amended.³ If no interested person protests the change in control and DOE takes no action on its own motion, the proposed change in control will be deemed granted 30 days after publication in the **Federal Register**. If one or more protests are submitted, DOE will review any motions to intervene, protests, and answers, and will issue a determination as to whether the proposed change in control has been demonstrated to render the underlying authorizations inconsistent with the public interest.

Public Comment Procedures

Interested persons will be provided 15 days from the date of publication of this notice in the **Federal Register** to move

to intervene, protest, and answer PALNG Phase II's Statement.⁴ Protests, motions to intervene, notices of intervention, and written comments are invited in response to this notice only as to the change in control described in the Statement. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

(1) Submitting the filing electronically at fergas@hq.doe.gov;

(2) Mailing the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section; or

(3) Hand delivering the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically. All filings must include a reference to "Docket No. 20–23–LNG" in the title line, or "Port Arthur LNG Phase II, LLC Change in Control" in the title line. Filings must be submitted in English to be considered.⁵

For electronic submissions: Please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Statement, and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at www.energy.gov/fecm/regulation.

Signed in Washington, DC, on November 14, 2025.

Amy R. Sweeney,

Director, Office of Regulation, Analysis, and Engagement Office of Resource Sustainability.

[FR Doc. 2025–20209 Filed 11–17–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. 15–190–LNG]

Change In Control: Rio Grande LNG, LLC; Rio Grande LNG Train 4, LLC; and Rio Grande LNG Train 5, LLC

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of change in control.

SUMMARY: The Office of Fossil Energy and Carbon Management (FECM) of the Department of Energy (DOE) gives notice of receipt of a Statement and Notice of Change in Control (Notice) filed by Rio Grande LNG, LLC (Rio Grande LNG), Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC (collectively, the Rio Grande Entities) on October 22, 2025. The Notice describes a change in Rio Grande LNG's upstream ownership. The Notice was filed under the Natural Gas Act, and in accordance with DOE's regulations and DOE's Procedures for Changes in Control Affecting Applications and Authorizations to Import or Export Natural Gas (CIC Procedures).

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, December 3, 2025.

ADDRESSES:

Electronic Filing by email (Strongly encouraged): fergas@hq.doe.gov.

Postal Mail, Hand Delivery, or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–4749 or (202) 586–7893, jennifer.wade@hq.doe.gov or peri.ulrey@hq.doe.gov.

Irene V. Norville, U.S. Department of Energy (GC–76) Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D–033, 1000 Independence

² 79 FR 65541 (Nov. 5, 2014).

³ PALNG Phase II's Statement also applies to the company's existing authorization to export LNG to FTA countries in the same docket. DOE will respond to that portion of the filing separately pursuant to the CIC Procedures, 79 FR 65542.

⁴ Intervention, if granted, would constitute intervention only in the change in control portion of these proceedings, as described herein.

⁵ Executive Order 14224 of March 1, 2025, *Designating English as the Official Language of the United States*, 90 FR 11363 (Mar. 6, 2025).

Avenue SW, Washington, DC 20585,
(240) 702-5679, irene.norville@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

Summary of Change in Control

Rio Grande LNG states that, pursuant to a transaction that closed on September 22, 2025 (Transaction), its upstream ownership has changed. According to Rio Grande LNG, Raven Holding Company LLC, a Delaware limited liability company and an affiliate of the Abu Dhabi National Oil Company (ADNOC), acquired a 22.79% interest in GIP V Velocity Acquisition Partners, L.P., an indirect upstream owner of a minimum of 46.12% economic interest in Rio Grande LNG Intermediate Holdings, LLC, which, in turn, is the upstream owner of Rio Grande LNG. Accordingly, as a result of the Transaction, ADNOC, through its affiliates, now owns an 11.7% equity stake in Rio Grande LNG.¹ Rio Grande LNG further states that NextDecade LNG, LLC will continue to be responsible for operations and maintenance at the Rio Grande LNG Terminal for the benefit of the Rio Grande Entities.

Additional details can be found in the Notice, posted on the DOE website at <https://www.energy.gov/sites/default/files/2025-10/Rio%20Grande%20Change%20in%20Control.pdf>.

DOE Evaluation

DOE will review the Notice in accordance with its CIC Procedures.² Consistent with the CIC Procedures, this notice addresses Rio Grande Entities' existing authorization to export LNG to countries with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas and with which trade is not prohibited by United States law or policy (non-FTA countries), granted in DOE/FECM Order No. 4492, as amended.³ If no interested person protests the change in control and DOE takes no action on its own motion, the proposed change in control will be deemed granted 30 days after

publication in the **Federal Register**. If one or more protests are submitted, DOE will review any motions to intervene, protests, and answers, and will issue a determination as to whether the proposed change in control has been demonstrated to render the underlying authorizations inconsistent with the public interest.

Public Comment Procedures

Interested persons will be provided 15 days from the date of publication of this notice in the **Federal Register** to move to intervene, protest, and answer Rio Grande Entities' Notice.⁴ Protests, motions to intervene, notices of intervention, and written comments are invited in response to this notice only as to the change in control described in the Notice. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

(1) Submitting the filing electronically at fergas@hq.doe.gov;

(2) Mailing the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section; or

(3) Hand delivering the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically. All filings must include a reference to "Docket No. 15-190-LNG" in the title line, or "Rio Grande LNG Change in Control" in the title line. Filings must be submitted in English to be considered.⁵

For electronic submissions: Please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Notice, and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at www.energy.gov/fecm/regulation.

⁴ Intervention, if granted, would constitute intervention only in the change in control portion of these proceedings, as described herein.

⁵ Executive Order 14224 of March 1, 2025, *Designating English as the Official Language of the United States*, 90 FR 11363 (Mar. 6, 2025).

Signed in Washington, DC, on November 14, 2025.

Amy R. Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability.

[FR Doc. 2025-20219 Filed 11-17-25; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Senior Executive Service Performance Review Board

AGENCY: Department of Energy.

ACTION: Designation of performance review board standing register.

SUMMARY: This notice provides the Performance Review Board Standing Register for the Department of Energy. This listing supersedes all previously published lists of PRB members.

DATES: This appointment is effective as of November 13, 2025.

Al-Daouk, Ahmad M.
Beasley, Lara E.
Bell, Melody C.
Daley, Fana G.
deBeauclair, Geoffrey G.
Hitson, Brian A.
Kremer, Kevin P.
LaRose, Angelina C.
Lee, Terri E.
McAnulty, Michael J.
McFearin, Christopher E.
Michetti, Vicki D.
Montoya, Michael M.
Susut, Ceren

Signing Authority

This document of the Department of Energy was signed on November 13, 2025, by Farhana Hossain, Director of the Office of Corporate Executive Management within the Office of the Chief Human Capital Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Authority: 5 U.S.C. 4314(c)(4).

¹ Due to the foreign economic interests resulting from the Transaction, Rio Grande LNG's change in control may require the approval of the Committee on Foreign Investment in the United States (CFIUS). DOE expresses no opinion regarding the need for review by CFIUS. Additional information may be obtained at: <https://home.treasury.gov/policy-issues/international/the-committee-on-foreign-investment-in-the-united-states-cfius>.

² 79 FR 65541 (Nov. 5, 2014).

³ Rio Grande LNG's Notice also applies to the company's existing authorization to export LNG to FTA countries in the same docket. DOE will respond to that portion of the filing separately pursuant to the CIC Procedures, 79 FR 65542.

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

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2025–20046 Filed 11–17–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Senior Executive Service Performance Review Board

AGENCY: Department of Energy.

ACTION: Designation of performance review board chair.

SUMMARY: This notice provides the Performance Review Board Chair designee for the Department of Energy. This listing supersedes all previously published lists of Performance Review Board Chair.

DATES: This appointment is effective as of November 13, 2025.

Dennis M. Miotla (Primary)

Juston K. Fontaine (Alternate)

Signing Authority

This document of the Department of Energy was signed on November 13, 2025, by Farhana Hossain, Director of the Office of Corporate Executive Management within the Office of the Chief Human Capital Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has

been authorized to sign and submit the document in electronic format for publication as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Statutory Authority: 5 U.S.C. 4314(c)(4).

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

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2025–20045 Filed 11–17–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. 19–134–LNG]

Change in Control: Commonwealth LNG, LLC

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of change in control.

SUMMARY: The Office of Fossil Energy and Carbon Management (FECM) of the Department of Energy (DOE) gives notice of receipt of a Statement and Notice of Change in Control filed by Commonwealth LNG, LLC (Commonwealth) on September 5, 2025 (Notice), as supplemented on September 24, 2025 (Supplement). The Notice describes a change in Commonwealth's upstream ownership. The Notice and Supplement were filed under the Natural Gas Act, and in accordance with DOE's regulations and DOE's Procedures for Changes in Control Affecting Applications and Authorizations to Import or Export Natural Gas (CIC Procedures).

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, December 3, 2025.

ADDRESSES:

Electronic Filing by email (Strongly encouraged): fergas@hq.doe.gov.

Postal Mail, Hand Delivery, or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–4749 or (202) 586–7893, jennifer.wade@hq.doe.gov or peri.ulrey@hq.doe.gov.

Irene V. Norville, U.S. Department of Energy (GC–76) Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D–033, 1000 Independence Avenue SW, Washington, DC 20585,

(240) 702–5679, irene.norville@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

Summary of Change in Control

Commonwealth states that, pursuant to an agreement that was executed on April 10, 2025 (Transaction), its upstream ownership has changed. Commonwealth states that it is a Delaware limited liability company and is authorized to do business in the State of Louisiana.

According to Commonwealth, prior to the Transaction, Commonwealth was a wholly-owned subsidiary of Kimmeridge SoTex HoldCo LLC (SoTex), a wholly-owned subsidiary of Kimmeridge Energy Management Company, LLC (Kimmeridge). Commonwealth states that, under the Transaction, Mubadala Energy, a wholly-owned subsidiary of Mubadala Investment Company, which is owned by the Government of Abu Dhabi, acquired 24.1% of the equity interest in SoTex, the corporate parent of Commonwealth.¹ According to Commonwealth, Kimmeridge will retain the remaining 75.9% equity interest in SoTex. Commonwealth adds that, following the close of the Transaction on August 7, 2025, SoTex changed its name to “Caturus Holdco, LLC” (Caturus), which is now the 100% indirect upstream owner of Commonwealth.

The Supplement includes a chart illustrating the ownership structure of Commonwealth following the closing of the Transaction. Additional details can be found in the Notice and Supplement, posted on the DOE website at <https://www.energy.gov/sites/default/files/2025-09/Commonwealth%20LNG%20DOE%20Notice%20of%20Change%20in%20Control%20Mubadala-Caturus%29-20-2025.pdf>, and <https://www.energy.gov/sites/default/files/2025-09/Commonwealth%20LNG%20Supplement%20to%20Sept.%205%202025%20Notice%20of%20Change%20in%20Control.pdf>, respectively.

¹ Mubadala Energy is an international energy company, headquartered in Abu Dhabi. Accordingly, the described change in control may require the approval of the Committee on Foreign Investment in the United States (CFIUS). In its Supplement, Commonwealth states that “[o]n July 17, 2025, via letter CFIUS determined that there were no national security concerns with regard to Mubadala's investment, thus concluding CFIUS review of the transaction.” Supplement at 2. DOE expresses no opinion regarding the review by CFIUS. Additional information may be obtained at: <https://home.treasury.gov/policy-issues/international/the-committee-on-foreign-investment-in-the-united-states-cfius>.

DOE Evaluation

DOE will review the Notice and Supplement in accordance with its CIC Procedures.² Consistent with the CIC Procedures, this notice addresses Commonwealth's existing authorization to export LNG to countries with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas and with which trade is not prohibited by United States law or policy (non-FTA countries), granted in DOE/FECM Order no. 5238-A.³ If no interested person protests the change in control and DOE takes no action on its own motion, the proposed change in control will be deemed granted 30 days after publication in the **Federal Register**. If one or more protests are submitted, DOE will review any motions to intervene, protests, and answers, and will issue a determination as to whether the proposed change in control has been demonstrated to render the underlying authorizations inconsistent with the public interest.

Public Comment Procedures

Interested persons will be provided 15 days from the date of publication of this notice in the **Federal Register** to move to intervene, protest, and answer Commonwealth's Notice and Supplement.⁴ Protests, motions to intervene, notices of intervention, and written comments are invited in response to this notice only as to the change in control described in the Notice and Supplement. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

- (1) Submitting the filing electronically at fergas@hq.doe.gov;
- (2) Mailing the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section; or
- (3) Hand delivering the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically.

² 79 FR 65541 (Nov. 5, 2014).

³ Commonwealth's Notice and Supplement also applies to the company's existing authorization to export LNG to FTA countries in the same docket. DOE will respond to that portion of the filing separately pursuant to the CIC Procedures, 79 FR 65542.

⁴ Intervention, if granted, would constitute intervention only in the change in control portion of these proceedings, as described herein.

All filings must include a reference to "Docket No. 19–134–LNG" in the title line, or "Commonwealth LNG Change in Control" in the title line. Filings must be submitted in English to be considered.⁵

For electronic submissions: Please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Notice, Supplement, and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at www.energy.gov/fecm/regulation.

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

Amy R. Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability.

[FR Doc. 2025–20043 Filed 11–17–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Notice of Change in the Process for the Site-Wide Environmental Impact Statement for Continued Operation of Sandia National Laboratories, New Mexico and for the Supplemental Environmental Impact Statement for Enhanced Plutonium Facility Utilization at Lawrence Livermore National Laboratory

AGENCY: National Nuclear Security Administration, Department of Energy.

ACTION: Notice.

SUMMARY: The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the United States (U.S.) Department of Energy (DOE), announces it will not perform certain National Environmental Policy Act (NEPA) activities previously indicated in the *Notice of Intent To Prepare a Site-Wide Environmental Impact Statement (SWEIS) for Continued Operation of Sandia National Laboratories, New Mexico (SNL/NM) in Albuquerque, New Mexico (SNL/NM NOI)* and the *Notice of Intent*

To Prepare a Supplemental Environmental Impact Statement (SEIS) for Enhanced Plutonium Facility Utilization at Lawrence Livermore National Laboratory (LLNL) in Livermore, California (LLNL NOI). Due to intervening regulatory changes, NNSA will not publish a draft SNL/NM SWEIS or a draft LLNL SEIS or hold additional public hearings for the LLNL SEIS. When NNSA publishes the final SNL/NM SWEIS and the final LLNL SEIS, NNSA will publish its Records of Decision (RODs) for both at the same time as the final documents.

FOR FURTHER INFORMATION CONTACT: For additional information about this Notice, please contact Lynn Alexander, NEPA Compliance Officer, National Nuclear Security Administration; telephone: 202–302–0141; or email at: NEPA@nnsa.doe.gov.

SUPPLEMENTARY INFORMATION: Consistent with Executive Order (E.O.) 14154, *Unleashing American Energy*, and with the *National Environmental Policy Act of 1969*, as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) repealed its NEPA regulations and required agencies to revise their NEPA implementing procedures (90 FR 10610, February 25, 2025, *Removal of National Environmental Policy Act Implementing Regulations*; effective April 22, 2025). Accordingly, DOE issued new DOE NEPA Implementing Procedures on June 30, 2025, and removed most of the previous DOE NEPA implementing procedures from 10 CFR part 1021, *National Environmental Policy Act Implementing Procedures*, in an Interim Final Rule on July 3, 2025 (90 FR 29676, *Revision of National Environmental Policy Act Implementing Procedures*). DOE's amended NEPA regulations rescind process-oriented requirements (which are now outlined in the DOE NEPA Implementing Procedures document issued June 30, 2025) and retain DOE's Categorical Exclusions and emergency procedures. The regulatory update and new DOE NEPA Implementing Procedures align with E.O. 14154 and significantly streamline NEPA processes by focusing on statutory requirements while retaining meaningful review of potential environmental impacts. Neither NEPA nor the new DOE NEPA Implementing Procedures require NNSA to publish draft environmental documents for public comment, hold public hearings on a draft environmental document, or wait for 30 days after issuance of a final environmental impact statement to publish a ROD. While NNSA indicated in the SNL/NM NOI that it would

⁵ Executive Order 14224 of March 1, 2025, *Designating English as the Official Language of the United States*, 90 FR 11363 (Mar. 6, 2025).

publish a draft of the SWEIS for Continued Operation of SNL/NM (DOE/EIS-0556) for public comment, consistent with NEPA and with DOE's new DOE NEPA Implementing Procedures, with respect to SNL/NM, NNSA will not issue a draft SNL/NM SWEIS for public comment or wait 30 days between the final SWEIS and issuance of the ROD. While NNSA indicated in the LLNL NOI that it would publish a draft of the LLNL SEIS for Enhanced Plutonium Facility Utilization at LLNL in Livermore, California (DOE/EIS-0547-S1) for public comment, consistent with NEPA and DOE's new DOE NEPA Implementing Procedures, NNSA will not issue a draft LLNL SEIS for public comment, hold a public hearing on a draft, or wait 30 days between the final LLNL SEIS and issuance of the ROD.

NEPA Activity Already Conducted on the SWEIS for Continued Operation of SNL/NM

NNSA is preparing the SNL/NM SWEIS pursuant to the requirements of NEPA. In the SNL/NM NOI (April 21, 2023; 77 FR 24607) NNSA invited all interested agencies (Federal, state, and local), Native American Tribes, public interest groups, local businesses, and members of the general public to provide comments on the scope of the environmental impact statement, environmental issues, and other potential alternatives that NNSA should consider in the SNL/NM SWEIS. NNSA held two public scoping meetings regarding the SNL/NM SWEIS in May 2023 and collected comments from the interested parties for 45 days. NNSA has considered and incorporated comments received during the public scoping period and expects to publish the final

SNL/NM SWEIS and simultaneous publication of its ROD in late 2025.

NEPA Activity Already Conducted on the SEIS for Enhanced Plutonium Facility Utilization at LLNL

In the LLNL NOI (January 13, 2025; 90 FR 2678), NNSA announced its intent to prepare the LLNL SEIS and invited all interested agencies (Federal, state, and local), Native American Tribes, public interest groups, local businesses, and members of the general public to provide comments on the scope of the environmental impact statement, environmental issues, and other potential alternatives that NNSA should consider in the LLNL SEIS. NNSA held a public scoping meeting regarding the LLNL SEIS in January 2025 and collected comments from the interested parties for 45 days. NNSA has considered and incorporated comments received during the public scoping period and expects to publish the final LLNL SEIS and simultaneous publication of its ROD in early 2026.

Signing Authority

This document of the Department of Energy was signed on October 2, 2025, by Brandon M. Williams, Under Secretary for Nuclear Security and NNSA Administrator, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters

the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on November 14, 2025.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2025-20208 Filed 11-17-25; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meetings

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94-409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: November 20, 2025, 10:00 a.m.

PLACE: Room 2C. 888 First Street NE, Washington, DC 20426.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Agenda

* Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Debbie-Anne A. Reese, Secretary. Telephone (202) 502-8400.

For a recorded message listing items Stricken from or added to the meeting, call (202) 502-8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed online at the Commission's website at <https://elibrary.ferc.gov/eLibrary/search> using the eLibrary link.

1130TH—MEETING

[Open; November 20, 2025, 10:00 a.m.]

Item No.	Docket No.	Company
Administrative		
A-1	AD26-1-000	Agency Administrative Matters
A-2	AD26-2-000	Customer Matters, Reliability, Security and Market Operations
A-3	AD06-3-000	Market Update
A-4	AD07-13-019	FY2025 Report on Enforcement
Electric		
E-1	ER25-2258-001	System Energy Resources, Inc.
E-2	ER22-24-002	System Energy Resources, Inc.
E-3	ER24-3032-000	Pacific Gas and Electric Company
E-4	ER10-1391-003	San Diego Gas & Electric Company
E-5	ER24-2776-000 ER24-2776-001	Southern California Edison Company
E-6	EL25-111-000	EDF power solutions Development, Inc.

1130TH—MEETING—Continued
[Open; November 20, 2025, 10:00 a.m.]

Item No.	Docket No.	Company
Miscellaneous		
M-1	RM22-20-000	Duty of Candor
M-2	PL20-7-000	Waiver of Tariff Requirements
Gas		
G-1	RM25-2-000	Supplemental Review of the Oil Pipeline Index Level
G-2	RM93-11-003	Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992
G-3	RM20-14-003 RM20-14-004	Five-Year Review of the Oil Pipeline Index
G-4	RM18-10-000	Airlines for America and National Propane Gas Association
	RM20-7-000	Safe Harbor Policy for Data Providers to Price Index Developers
Hydro		
H-1	RM26-3-000	Authorizations for Certain Post-Licensing Activities at Hydroelectric Projects
Certificates		
C-1	RM26-2-000	Authorizations for Certain Activities at Liquefied Natural Gas Plants
C-2	CP25-89-000	Northwest Pipeline LLC
	CP25-90-000	Portland General Electric Company, B-R Pipeline, LLC and KB Pipeline Company
C-3	CP25-207-000	Distrigas of Massachusetts LLC
C-4	CP25-29-000	Eastern Gas Transmission and Storage, Inc.

A free webcast of this event is available through the Commission's website. Anyone with internet access who desires to view this event can do so by navigating to www.ferc.gov's Calendar of Events and locating this event in the Calendar. The Federal Energy Regulatory Commission provides technical support for the free webcasts. Please call (202) 502-8680 or email customer@ferc.gov if you have any questions.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters but will not be telecast.

Issued: November 13, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-20191 Filed 11-14-25; 4:15 pm]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26-17-000]

Leaf River Energy Center, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on October 31, 2025, Leaf River Energy Center, LLC (LREC), 2500 CityWest Boulevard, Suite 1775, Houston, Texas 77042, filed an application under section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting authorization for its Leaf River Capacity Expansion Project (Project). LREC requests: (i) an amendment to the certificate of public convenience and necessity granted pursuant to the order issued in Docket No. CP08-8-000¹ authorizing LREC to increase the certificated natural gas storage capacity at its existing New Home Salt Dome storage facility in Smith, Jasper, and Clarke Counties, Mississippi by 17.62 billion cubic feet (Bcf) through the construction, operation, and maintenance of the Project; (ii) reaffirmation of its market-based rate authority for its existing firm and interruptible storage services, storage derivative hub services, and

interruptible wheeling services; (iii) market-based rate authority for a new proposed firm wheeling service; and (iv) related authorizations and waivers, and any other such waiver, authority, and further relief as may be necessary in order to grant the authorizations requested.

Specifically, the Project includes: (i) increasing the working gas capacity of existing Caverns #2 and #4 by 2.55 Bcf each; (ii) developing and operating a new salt dome storage cavern (Cavern Well #5) with 12.52 Bcf of working gas capacity, a well pad site, wellhead equipment, and other pipeline appurtenances; (iii) constructing a service corridor that includes 16- and 24-inch-diameter gas headers, 16-inch-diameter raw water and brine lines, and appurtenant facilities in order to connect Cavern Well #5; (iv) installing two new gas-powered centrifugal compressors with a total of 27,010 horsepower (hp) at the existing compression facility; and (v) installing 6,130 hp of gas-powered centrifugal compression within the existing booster station's fence line, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the

¹ *Leaf River Energy Center, LLC*, 125 FERC ¶ 61,131 (2008).

Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions regarding the proposed project should be directed to Austin Isensee, Director, Rates and Regulatory, NJR Storage & Transportation, 2500 CityWest Boulevard, Suite 1775, Houston, Texas 77042 by phone at (832) 469-7988, or by email at Alsensee@njrresources.com.

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,² within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on

December 4, 2025. How to file protests, motions to intervene, and comments is explained below.

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 (OPP) at (202) 502-6595 or OPP@ferc.gov.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)³ and 385.211⁴ of the Commission's regulations under the NGA, any person⁵ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁶ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on December 4, 2025.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP26-17-000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first

select "General" and then select "Comment on a Filing"; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP26-17-000).

To file via USPS: Debbie-Anne A.

Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁷ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁸ and the regulations under the NGA⁹ by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on December 4, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual,

³ 18 CFR 157.10(a)(4).

⁴ 18 CFR 385.211.

⁵ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁶ 18 CFR 385.2001.

⁷ 18 CFR 385.102(d).

⁸ 18 CFR 385.214.

⁹ 18 CFR 157.10.

² 18 CFR 157.9.

this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP26–17–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP26–17–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Austin Isensee, Director, Rates and Regulatory, NJR Storage & Transportation, 2500 CityWest Boulevard, Suite 1775, Houston, Texas 77042 or by email (with a link to the document) at AIsensee@njresources.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed¹⁰ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹¹ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.¹² A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Intervention Deadline: 5:00 p.m. Eastern Time on December 4, 2025.

Dated: November 13, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025–20186 Filed 11–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26–187–000.

¹⁰ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹¹ 18 CFR 385.214(c)(1).

¹² 18 CFR 385.214(b)(3) and (d).

Applicants: Golden Pass Pipeline LLC.

Description: Compliance filing: 2025 Report of Penalty Revenue and Costs Golden Pass Pipeline LLC to be effective N/A.

Filed Date: 11/12/25.

Accession Number: 20251112–5314.

Comment Date: 5 p.m. ET 11/24/25.

Docket Numbers: RP26–188–000.

Applicants: Columbia Gulf Transmission, LLC.

Description: Compliance filing: Penalty Revenue Crediting Report 2025 to be effective N/A.

Filed Date: 11/13/25.

Accession Number: 20251113–5075.

Comment Date: 5 p.m. ET 11/25/25.

Docket Numbers: RP26–189–000.

Applicants: Millennium Pipeline Company, LLC.

Description: Compliance filing: Penalty Revenue Crediting Report 2025 to be effective N/A.

Filed Date: 11/13/25.

Accession Number: 20251113–5084.

Comment Date: 5 p.m. ET 11/25/25.

Docket Numbers: RP26–190–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—FTNP—Northeast Energy Associates—Termination to be effective 11/1/2025.

Filed Date: 11/13/25.

Accession Number: 20251113–5125.

Comment Date: 5 p.m. ET 11/25/25.

Docket Numbers: RP26–191–000.

Applicants: Sabal Trail Transmission, LLC.

Description: Compliance filing: 2025 Cost and Revenue Study—CP15–17–000 to be effective N/A.

Filed Date: 11/13/25.

Accession Number: 20251113–5126.

Comment Date: 5 p.m. ET 11/25/25.

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 13, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–20189 Filed 11–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–16–000]

Texas Gas Transmission, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on October 31, 2025, Texas Gas Transmission, LLC (Texas Gas), 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, filed an application under section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting authorization for its Carnation Project (Project). The Project consists of installing one new Mars 100 compressor unit rated at 14,189 horsepower (hp) at Texas Gas' existing Crosby-Harrison Compressor Station, along with modifying Texas Gas' Mainline System Block Valve 64, all in Hamilton County, Ohio. The Project will create 170,000 dekatherms per day of new firm pipeline transportation capacity, which is fully subscribed by Duke Energy Ohio, Inc. Texas Gas estimates the total cost of the Project to be \$67,500,000 and proposes negotiated rates with service provided under Rate Schedule FT, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's

Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.reference@ferc.gov.

Any questions regarding the proposed project should be directed to Juan Eligio Jr., Director, Regulatory Affairs, Texas Gas Transmission, LLC, 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, by phone at (713) 479–3480, or by email at juan.eligio@bwpipelines.com.

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,¹ within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on December 4, 2025. How to file protests,

motions to intervene, and comments is explained below.

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 (OPP) at (202) 502–6595 or OPP@ferc.gov.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)² and 385.211³ of the Commission's regulations under the NGA, any person⁴ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁵ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on December 4, 2025.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP26–16–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

² 18 CFR 157.10(a)(4).

³ 18 CFR 385.211.

⁴ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁵ 18 CFR 385.2001.

¹ 18 CFR 157.9.

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP26–16–000).

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁶ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁷ and the regulations under the NGA⁸ by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on December 4, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an

impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP26–16–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP26–16–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Juan Eligio Jr., Director, Regulatory Affairs, Texas Gas Transmission, LLC, 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, or by email (with a link to the document) at juan.eligio@bwpipelines.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed⁹ motions to intervene are automatically granted by

operation of Rule 214(c)(1).¹⁰ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.¹¹ A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Intervention Deadline: 5:00 p.m. Eastern Time on December 4, 2025.

Dated: November 13, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025–20187 Filed 11–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC26–28–000; EL26–24–000.

Applicants: PacifiCorp.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Petition for Declaratory Order of PacifiCorp.

⁶ 18 CFR 385.102(d).

⁷ 18 CFR 385.214.

⁸ 18 CFR 157.10.

⁹ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹⁰ 18 CFR 385.214(c)(1).

¹¹ 18 CFR 385.214(b)(3) and (d).

Filed Date: 11/7/25.
Accession Number: 20251107–5254.
Comment Date: 5 p.m. ET 12/8/25.
Docket Numbers: EC26–29–000.
Applicants: New Madrid Solar, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act of New Madrid Solar, LLC.

Filed Date: 11/13/25.
Accession Number: 20251113–5107.
Comment Date: 5 p.m. ET 12/4/25.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–42–000.
Applicants: SR Georgetown, LLC.
Description: SR Georgetown, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 11/12/25.
Accession Number: 20251112–5351.
Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: EG26–43–000.
Applicants: Armadillo Solar Center, LLC.

Description: Armadillo Solar Center, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 11/13/25.
Accession Number: 20251113–5053.
Comment Date: 5 p.m. ET 12/4/25.

Docket Numbers: EG26–44–000.
Applicants: South River Phase II, LLC.
Description: South River Phase II, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 11/13/25.
Accession Number: 20251113–5081.
Comment Date: 5 p.m. ET 12/4/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2564–014; ER10–2289–014; ER10–2600–014.

Applicants: UNS Electric, Inc., UniSource Energy Development Company, Tucson Electric Power Company.

Description: Supplement to 12/31/2024, Triennial Market Power Analysis for Southwest Region of Tucson Electric Power Company, et al.

Filed Date: 11/12/25.
Accession Number: 20251112–5405.
Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER12–1183–000.
Applicants: UGI Development Company.

Description: Refund Report: Refund report to 52 to be effective N/A.

Filed Date: 11/12/25.
Accession Number: 20251112–5356.
Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER12–1470–019; ER10–3026–017; ER16–1833–014.

Applicants: Semptra Gas & Power Marketing, LLC, Termoelectrica U.S., LLC, Energia Sierra Juarez U.S., LLC.

Description: Errata to 10/31/2025, Notice of Non-Material Change in Status of Energia Sierra Juarez U.S., LLC, et al.

Filed Date: 11/7/25.
Accession Number: 20251107–5255.
Comment Date: 5 p.m. ET 11/28/25.

Docket Numbers: ER18–649–002.
Applicants: Hunlock Energy, LLC.
Description: Refund Report: Refund

report to 22 to be effective N/A.

Filed Date: 11/12/25.
Accession Number: 20251112–5354.
Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER23–629–005.
Applicants: Public Service Company of Colorado.

Description: Compliance filing: 2025–11–13—Attach N Compliance Filing to be effective 6/3/2023.

Filed Date: 11/13/25.
Accession Number: 20251113–5180.
Comment Date: 5 p.m. ET 12/4/25.

Docket Numbers: ER26–493–000.
Applicants: Gratiot County Wind II LLC.

Description: § 205(d) Rate Filing: Second Amended Co-Tenancy, and Shared Facilities Agreement to be effective 11/5/2025.

Filed Date: 11/12/25.
Accession Number: 20251112–5336.
Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER26–494–000.
Applicants: Puget Sound Energy, Inc.
Description: § 205(d) Rate Filing:

Power Losses Update to be effective 12/10/2025.

Filed Date: 11/12/25.
Accession Number: 20251112–5341.
Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER26–495–000.
Applicants: Hunlock Creek Generating LLC.

Description: § 205(d) Rate Filing: Cancellation Reactive rates to be effective 9/23/2025.

Filed Date: 11/12/25.
Accession Number: 20251112–5352.
Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER26–496–000.
Applicants: Energy Prepay X, LLC.
Description: Initial Rate Filing: Baseline new to be effective 11/13/2025.

Filed Date: 11/12/25.
Accession Number: 20251112–5363.
Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER26–497–000.
Applicants: Portland General Electric Company.

Description: § 205(d) Rate Filing: PGE OATT Att M–1 and Att O Appendices Cleanup Filing to be effective 6/25/2025.

Filed Date: 11/13/25.
Accession Number: 20251113–5002.
Comment Date: 5 p.m. ET 12/4/25.

Docket Numbers: ER26–498–000.

Applicants: EDF Power Solutions, Inc.
Description: Request for Limited and Prospective Waiver, et al. of Byron Solar, LLC.

Filed Date: 11/12/25.
Accession Number: 20251112–5407.
Comment Date: 5 p.m. ET 12/3/25.

Docket Numbers: ER26–499–000.
Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Attachment AE Regarding Notifications During Emergency Conditions to be effective 1/13/2026.

Filed Date: 11/13/25.
Accession Number: 20251113–5043.
Comment Date: 5 p.m. ET 12/4/25.

Docket Numbers: ER26–500–000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to GIA and CSA, SA Nos. 7468 & 7469; Project Identifier No. AE2–234 to be effective 1/13/2026.

Filed Date: 11/13/25.
Accession Number: 20251113–5054.
Comment Date: 5 p.m. ET 12/4/25.

Docket Numbers: ER26–501–000.
Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 2994 KMEA/Sunflower Facilities Construction Agr Cancellation to be effective 7/25/2017.

Filed Date: 11/13/25.
Accession Number: 20251113–5056.
Comment Date: 5 p.m. ET 12/4/25.

Docket Numbers: ER26–502–000.
Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 3247 AEM Wind/SPS Facilities Construction Agr Cancellation to be effective 11/4/2016.

Filed Date: 11/13/25.
Accession Number: 20251113–5057.
Comment Date: 5 p.m. ET 12/4/25.

Docket Numbers: ER26–503–000.
Applicants: Ameren Transmission Company of Illinois.

Description: § 205(d) Rate Filing: Filing of a Joint Use Agreement to be effective 1/13/2026.

Filed Date: 11/13/25.
Accession Number: 20251113–5063.
Comment Date: 5 p.m. ET 12/4/25.

Docket Numbers: ER26–504–000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to GIA, SA No. 7446; Project ID No. A18/AA1–043/AD2–035/AF2–030 to be effective 1/13/2026.

Filed Date: 11/13/25.
Accession Number: 20251113–5128.
Comment Date: 5 p.m. ET 12/4/25.

Docket Numbers: ER26–505–000.

Applicants: South River Phase II, LLC.

Description: § 205(d) Rate Filing: South River Phase II, LLC—Application for MBR Authority—Expedited Treatment to be effective 11/14/2025.

Filed Date: 11/13/25.

Accession Number: 20251113–5143.

Comment Date: 5 p.m. ET 12/4/25.

Docket Numbers: ER26–506–000.

Applicants: Idaho Power Company.

Description: § 205(d) Rate Filing: RS 183—Hemingway Substation Upgrades Construction Agreement to be effective 5/20/2025.

Filed Date: 11/13/25.

Accession Number: 20251113–5153.

Comment Date: 5 p.m. ET 12/4/25.

Docket Numbers: ER26–507–000.

Applicants: Public Service Company of Colorado.

Description: Tariff Amendment: 2025–11–13 PSC-Batch of Study Cancellations-NOCs to be effective 11/14/2025.

Filed Date: 11/13/25.

Accession Number: 20251113–5187.

Comment Date: 5 p.m. ET 12/4/25.

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 13, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–20190 Filed 11–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP25–94–000, CP25–94–001]

Rockies Express Pipeline LLC; Notice of Amendment to Application and Establishing Intervention Deadline

Take notice that on October 31, 2025, Rockies Express Pipeline LLC (REX), 11550 Ash Street, Suite 220, Leawood, Kansas 66211, filed an amendment to its application in Docket No. CP25–94–000, pursuant to section 7(c) of the Natural Gas Act (NGA), and Parts 157 and 284 of the Commission's regulations, requesting authorization to amend its proposed Decatur Lateral Project (Project) that was filed on February 28, 2025. Specifically, REX is amending the application to increase the project capacity from 181,000 dekatherms per day (Dth/d) to 194,400 Dth/d¹ due to a revision to the pressure-loss assumption. Also, REX is proposing three modifications to the Project scope and one change in land ownership, which results in an increase of approximately 2.2 acres to the overall Project footprint. The proposed Project amendment does not include any change to the proposed facilities, all as more fully set forth in the application, which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from

¹ REX states that the new capacity of approximately 13,000 Dth/d is fully subscribed by a Project shipper.

FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions regarding the proposed project should be directed to Eryn Pullin, Manager, Regulatory Affairs, Tallgrass Energy, LP, 9 Greenway Plaza, Suite 1100, Houston, TX 77046, by phone at (713) 997–3932 or by email at eryn.pullin@tallgrass.com.

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,² within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time December 4, 2025. How to file protests, motions to intervene, and comments is explained below.

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.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or

² 18 CFR 157.9.

specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)³ and 385.211⁴ of the Commission's regulations under the NGA, any person⁵ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁶ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before December 4, 2025.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket numbers CP25–94–000 and CP25–94–001 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket numbers (CP25–94–000 and CP25–94–001).

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.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁷ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁸ and the regulations under the NGA⁹ by the intervention deadline for the project, which is December 4, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket numbers CP25–94–000 and CP25–94–001 in your submission.

(1) You may file your motion to intervene by using the Commission's

eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket numbers CP25–94–000 and CP25–94–001.

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.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Eryn Pullin, Manager, Regulatory Affairs, Tallgrass Energy, LP, 9 Greenway Plaza, Suite 1100, Houston, TX 77046, or by email at eryn.pullin@tallgrass.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed¹⁰ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹¹ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.¹² A person obtaining party status will be placed on the service list maintained by

³ 18 CFR 157.10(a)(4).

⁴ 18 CFR 385.211.

⁵ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁶ 18 CFR 385.2001.

⁷ 18 CFR 385.102(d).

⁸ 18 CFR 385.214.

⁹ 18 CFR 157.10.

¹⁰ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹¹ 18 CFR 385.214(c)(1).

¹² 18 CFR 385.214(b)(3) and (d).

the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Intervention Deadline: 5:00 p.m. Eastern Time on December 4, 2025.

Dated: November 13, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-20188 Filed 11-17-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26-18-000]

Northwest Pipeline LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on November 3, 2025, Northwest Pipeline LLC (Northwest), Post Office Box 1396, Houston, Texas 77251, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.208, and 157.210 of the Commission's regulations under the Natural Gas Act (NGA), and Northwest's blanket certificate issued in Docket No. CP82-433-000, for authorization to install approximately 6.75 miles of 12-inch-diameter looping pipeline, modify the existing Kemmerer 98-4 Valve Site, and modify the existing Spire Double D Meter Station and existing aboveground facilities. All of the above facilities are located in Uinta County, Wyoming (Ryckman Creek Loop Project).

The Project will enable Northwest to provide an incremental 30,278 dekatherms per day (Dth/day) of firm transportation capacity to and from the Double D Meter Station, which interconnects with the Spire Storage facility in Uinta County, Wyoming. The Project, in combination with utilizing existing mainline capacity on the Northwest system, will provide a total of 50,500 Dth/day of firm transportation capacity from the Stanfield receipt point in Umatilla County, Oregon to the Kern River Muddy Creek and Mountain West Crossover 16 delivery points in Sweetwater County, Wyoming. The estimated cost for the project is \$14,680,838, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions concerning this request should be directed to Jasmine Turner, Regulatory Analyst, P.O. Box 1396, Houston, Texas 77251, by phone at (281) 455-7922, or toll-free telephone number at (877) 660-0556, or by email at PipelineExpansion@williams.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on January 12, 2026. How

to file protests, motions to intervene, and comments is explained below.

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 (OPP) at (202) 502-6595 or OPP@ferc.gov.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,³ and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on January 12, 2026. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on January 12, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist.

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

³ 18 CFR 157.205(e).

⁴ 18 CFR 385.214.

⁵ 18 CFR 157.10.

You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on January 12, 2026. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP26–18–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or⁶

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference

the Project docket number CP26–18–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Jasmine Turner, Regulatory Analyst, P.O. Box 1396, Houston, Texas 77251, or by email (with a link to the document) at PipelineExpansion@williams.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Dated: November 13, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–20185 Filed 11–17–25; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2013–0549; FRL–13082–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Notification of Episodic Releases of Oil and Hazardous Substances (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Notification of Episodic Releases of Oil and Hazardous Substances (EPA ICR Number 1049.16, OMB Control Number 2050–0046) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2025. Public comments were previously requested via the **Federal Register** on April 17, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments must be submitted on or before December 18, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–SFUND–2013–0549, to EPA online using www.regulations.gov (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: William Noggle, Office of Emergency Management, Mail Code 5104A, Environmental Protection Agency, 1200

⁶ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566-1306; email address: noggle.william@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through November 30, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on April 17, 2025 during a 60-day comment period (90 FR 16127). The Agency received one comment that was not substantive to the content of this ICR renewal. This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: Section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, requires the person in charge of a facility or vessel to immediately notify the National Response Center (NRC) of a hazardous substance release into the environment if the amount of the release equals or exceeds the substance's reportable quantity (RQ) limit. The RQs for the hazardous substance can be found in table 302.4 of 40 CFR 302.4. Section 311 of the Clean Water Act (CWA) as amended, requires the person in charge of a facility or vessel to immediately notify the NRC of an oil spill into U.S. navigable waters if the spill causes a sheen, violates applicable water quality standards, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. The reporting of a hazardous substance release that is at or above the substance's RQ allows the Federal government to determine whether a Federal response action is required to control or mitigate any potential adverse effects to public health or welfare or the environment. Likewise, the reporting of oil spills allows the Federal government to determine whether cleaning up the oil spill is required to mitigate or prevent damage to public health or welfare or the environment. The

hazardous substance release and oil discharge information collected under CERCLA section 103(a) and CWA section 311 also is available to EPA program offices and other Federal agencies that use the information to evaluate the potential need for additional regulations, new permitting requirements for specific substances or sources, or improved emergency response planning. Release notification information, which is stored in WebEOC, a web-based crisis management system which supports response management for significant incidents and daily operations in the Regional Response Centers and EPA's Headquarters Emergency Operations Center (EOC), is available to state and local government authorities as well as the general public. State and local government authorities and the regulated community use release information for purposes of local emergency response planning. Members of the general public, who have access to release information through the Freedom of Information Act, may request release information for purposes of maintaining an awareness of what types of releases are occurring in different localities and what actions, if any, are being taken to protect public health and welfare and the environment.

This request for comments relates to the renewal of the existing approved ICR.

Form numbers: None.

Respondents/affected entities: Facilities and vessels that may have releases of any hazardous substances or oil at or above its RQ.

Respondent's obligation to respond: Mandatory under CERCLA section 103(a).

Estimated number of respondents: 21,789.

Frequency of response: As releases occur from a facility or a vessel.

Total estimated burden: 22,225 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$1,486,297 (per year), which includes no capital or operation and maintenance costs associated with this ICR.

Changes in estimates: There is an increase of 2,386 hours in the total estimated annual respondent burden compared with the ICR currently approved by OMB. This increase is due to updated labor rates and the number of annual responses has increased from the prior ICR renewal of 19,450 to this

renewal which estimates 21,789 annual responses.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025-20050 Filed 11-17-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-13028-01-R9]

Clean Air Act Operating Permit Program; Order on Petition for Objection to State Operating Permit for the Apache Generating Station

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an order dated September 16, 2025, granting in part and denying in part a petition dated September 18, 2024, from Sierra Club. The Petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Arizona Department of Environmental Quality (ADEQ) to the Arizona Electric Power Cooperative Inc., Apache Generating Station ("Apache") for its power generating facility in Cochise County, Arizona.

FOR FURTHER INFORMATION CONTACT: Catherine Valladolid, EPA Region 9, (415) 947-4103, valladolid.catherine@epa.gov. The final Order and Petition are available electronically at: <https://www.epa.gov/title-v-operating-permits/title-v-petition-database>.

SUPPLEMENTARY INFORMATION: The EPA received a petition from Sierra Club dated September 18, 2024, requesting that the EPA object to the issuance of operating permit no. 69734, issued by the ADEQ to Apache in Cochise County, Arizona. On September 16, 2025, the EPA Administrator issued an order granting in part and denying in part the petition. The order explains the basis for the EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than January 20, 2026.

Dated: October 24, 2025.

Michelle Angelich,

Acting Director, Air and Radiation Division, Region IX.

[FR Doc. 2025-20122 Filed 11-17-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2022-0059; FRL-13074-01-OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NSPS For Ammonium Sulfate Manufacturing Plants (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Ammonium Sulfate Manufacturing Plants (EPA ICR Number 1066.11, OMB Control Number 2060-0032) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2025. Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before December 18, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2022-0059, to EPA online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Muntasir Ali, Sector Policies and Program Division (D243-05), Office of

Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711; telephone number: (919) 541-0833; email address: ali.muntasir@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through November 30, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period (89 FR 63933). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The New Source Performance Standards (NSPS) Ammonium Sulfate Manufacturing Plants (40 CFR part 60, subpart PP) apply to ammonium sulfate dryers located at both existing and new ammonium sulfate manufacturing plants in the caprolactam by-product, synthetic, and coke oven by-products sectors of the ammonium sulfate manufacturing industry. New facilities include those that commenced construction, modification or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 60, subpart PP. In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NSPS.

Form Numbers: None.

Respondents/affected entities: Ammonium sulfate manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart PP).

Estimated number of respondents: Two (total).

Frequency of response: Semiannually.

Total estimated burden: 286 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$39,100 (per year). There are no annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in burden from the most recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Second, the growth rate for this industry is very low or non-existent, so there is no significant change in the overall burden. Since there are no changes in the regulatory requirements and there is no significant industry growth, there are also no changes in the capital/startup or operation and maintenance (O&M) costs.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025-20051 Filed 11-17-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2025-0026; FRL-12472-08-OCSPP]

Pesticide Product Registration; Receipt of Applications for New Uses (August 2025)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt and request for comment.

SUMMARY: This document announces the Agency's receipt of and solicits comment on applications to register new pesticide products containing currently registered active ingredients that would entail a change in use pattern. The Agency is providing this notice in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA uses the month and year in the title to identify when the Agency complied the applications identified in this notice of receipt. Unit II. of this document identifies certain applications received in 2022, 2024, and 2025 that are currently being evaluated by EPA, along with information about each application, including when it was received, who submitted the application, and the purpose of the application.

DATES: Comments must be received on or before December 18, 2025.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the *EPA File Symbol* or the *EPA Registration Number* of interest as shown in Unit II. of this document, online at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Each application summary in Unit II. specifies a contact division. The appropriate division contacts are identified as follows:

- AD (Antimicrobials Division) (Mail Code 7510M); Kristen Willis, main telephone number: (202) 566-0737; email address: willis.kristen@epa.gov.
- RD (Registration Division) (Mail Code 7505T); Charles Smith; main telephone number: (202) 566-1030; email address: RDNRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

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

EPA is taking this action pursuant to section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a(c)(4), and 40 CFR 152.102.

C. What action is the Agency taking?

EPA is hereby providing notice of receipt and opportunity to comment on applications to register new pesticide products containing currently registered active ingredients that would entail a change in use pattern. EPA provides a notice of receipt on a monthly basis, using the month and year in the title to help distinguish one document from the other. This document identifies the applications that were received since the last notice that was issued and are currently being evaluated by EPA in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under EPA's public participation process for

registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (<https://www.epa.gov/pesticide-registration/public-participation-process-registration-actions>).

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, please follow the applicable instructions at <https://www.epa.gov/dockets/commenting-epa-dockets#rules> and clearly mark the information that you claim to be CBI. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.
2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>.

II. Applications To Register New Uses

This unit provides the following information about each application received: The EPA File Symbol or Registration number(s); EPA docket ID number for the application; Name and address of the applicant; Name of the active ingredient, product type and proposed uses; and the division to contact for that application. Additional information about the application may also be available in the docket for the application as identified in this unit.

- *EPA Registration Number:* 33906-26. *Docket ID number:* EPA-HQ-OPP-2025-0850. *Applicant:* Nissan Chemical Corporation, 5-1 Nihonbashi 2-Chome Chuo-ku, Tokyo 103-6119 Japan. *Active ingredient:* Quinoxifen. *Product type:* Fungicide. *Proposed use:* Fruit, pome, Group 11-10, fruit, stone, group 12-12. *Date of receipt:* September 30, 2024. *Contact:* RD.
- *EPA Registration Number:* 7969-312, 7969-309. *Docket ID number:* EPA-HQ-OPP-2025-1415. *Applicant:* BASF Corporation, Agricultural Solutions, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709. *Active ingredient:* Fluxapyroxad. *Product type:* Fungicide. *Proposed use:* Pennycress. *Date of receipt:* February 7, 2025. *Contact:* RD.
- *EPA File Symbol:* 98718-R. *Docket ID number:* EPA-HQ-OPP-2025-1014.

Applicant: IonGarde Technologies, LLC., 53 North Park Avenue, Suite 207, Rockville Centre, NY 11570. *Active ingredient:* Zinc Chloride. *Product type:* Antimicrobial. *Proposed use:* Material preservative for incorporation into non-food contact plastics, plastic composite materials, fibers, spun yarns, multifilament yarns, monofilaments, coatings, adhesives, and sealants. *Date of receipt:* December 2, 2022. *Contact:* AD.

- *EPA Registration Number:* 10163-380. *Docket ID number:* EPA-HQ-OPP-2025-0755. *Applicant:* Gowan Company LLC, P.O. Box 5569 Yuma, AZ 85366. *Active ingredient:* Prosulfuron. *Product type:* Herbicide. *Proposed uses:* Fallow ground; non-crop lands. *Date of receipt:* October 25, 2024. *Contact:* RD.
- *EPA Registration Number:* 11581-5, 11581-6. *Docket ID number:* EPA-HQ-OPP-2025-0184. *Applicant:* OAT Agrio Co., Ltd. c/o Landis International, Inc., P.O. Box 5126 Valdosta, GA 31603-5126. *Active ingredient:* Flutianil. *Product type:* Fungicide. *Proposed use:* Brassica Leafy Greens Subgroup 4-16B, fruiting vegetable group 8-10, hop (dried cones), lettuce (head and leaf), and peach subgroup 12-12B. *Date of receipt:* December 6, 2024. *Contact:* RD. *Authority:* 7 U.S.C. 136 *et seq.*

Dated: October 6, 2025.

Kimberly Smith,

Acting Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2025-20137 Filed 11-17-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2021-0316; FRL-12513-01-OCSPP]

Agency Information Collection Activities; Proposed Renewal Collection and Request for Comment; Agricultural Worker Protection Standard Training, Notification, and Recordkeeping

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces the availability of and solicits public comment on the following Information Collection Request (ICR) that EPA is planning to submit to the Office of Management and Budget (OMB): "Agricultural Worker Protection Standard Training, Notification, and Recordkeeping (EPA ICR No. 2491.07 and OMB Control No.

2070–0190).” This ICR represents a renewal of an existing ICR that is currently approved through June 30, 2026. Before submitting the ICR to OMB for review and approval under the PRA, EPA is soliciting comments on specific aspects of the information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before January 20, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number Docket ID No. EPA–HQ–OPP–2021–0316, online at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Carolyn Siu, Office of Program Support (Mail Code 7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–1204; email address: siu.carolyn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

1. 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.
2. Evaluate the accuracy of the Agency’s estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. 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. In particular, EPA is requesting comments

from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: Agricultural Worker Protection Standard Training, Notification, and Recordkeeping.

EPA ICR No.: 2491.07.

OMB Control No.: 2070–0190.

ICR Status: This ICR is currently approved through June 30, 2026. Under the PRA, 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 EPA’s regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This Information Collection Request (ICR) estimates the recordkeeping and third-party response burden of paperwork activities that covers the information collection requirements contained in the Worker Protection Standard (WPS) regulations at 40 CFR part 170. Agricultural employers and commercial pesticide handling establishments (CPHEs) are responsible for providing required training, notifications and information to their employees to ensure worker and handler safety. The WPS regulations have provisions for training and notification of pesticide-related information for workers who enter pesticide-treated areas after pesticide application to perform crop-related tasks, as well as for handlers who mix, load, and apply pesticides. Agricultural employers and commercial pesticide handling establishments (CPHEs) are responsible for providing required training, notifications, and information to their employees to ensure worker and handler safety. The WPS regulation include content and annual training requirements for workers and handlers, improved posting of pesticide-treated areas, additional information for workers before they enter a pesticide-treated area while a restricted entry interval (REI) is in effect, access to more general and application-specific information about pesticides used on the establishment, and recordkeeping of

training and application/hazard information to improve enforceability and compliance.

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Form number(s): None.

Respondents/affected entities: Entities potentially affected by this ICR include employers of agricultural establishments, including employers in farms, nursery, forestry, and greenhouse establishments. North American Industrial Classification System (NAICS) codes identified in question 12 of the ICR.

Respondent’s obligation to respond: Mandatory, as per 40 CFR 170.

Estimated number of potential respondents: 10,840,082.

Frequency of response: On occasion.

Total estimated average number of responses for each respondent: 11.

Total estimated burden: 10,137,696 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated costs: \$446,339,743 (per year), includes \$0 annualized capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

There is a decrease of 50,974 hours in the total estimated respondent burden compared with that identified in the ICR approved by OMB. This decrease reflects adjustments to the estimated number of respondents; the activities and the per response burden in this ICR have remained the same. This change is an adjustment.

IV. What is the next step in the process for this ICR?

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 pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: October 14, 2025.

Nancy B. Beck,

Principal Deputy Assistant Administrator,
Office of Chemical Safety and Pollution
Prevention.

[FR Doc. 2025–20074 Filed 11–17–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0092; FRL–13078–01–
OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; NESHAP for Steel Pickling, HCl Process Facilities and Hydrochloric Acid Regeneration Plants (Renewal)

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Steel Pickling, HCl Process Facilities and Hydrochloric Acid Regeneration Plants (EPA ICR Number 1821.12, OMB Control Number 2060–0419) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2025. Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before December 18, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2021–0092, to (1) EPA online using <https://www.regulations.gov/> (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the

proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0833; email address: ali.muntasir@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through November 30, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period (89 FR 63933). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Steel Pickling, HCl Process Facilities and Hydrochloric Acid Regeneration Plants (40 CFR part 63, subpart CCC) were proposed on September 18, 1997; promulgated on June 22, 1999; and amended on both September 19, 2012 and November 19, 2020. This rule applies to all facilities that pickle steel using hydrochloric acid (HCl) or regenerate hydrochloric acid and are either major sources or part of a facility that is a major source. This information is being collected to assure compliance with 40 CFR part 63, subpart CCC.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an

affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Form Numbers: None.

Respondents/affected entities: Owners or operators of steel pickling, HCl process facilities and HCl regeneration plants.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart CCC).

Estimated number of respondents: 100 (total).

Frequency of response: Annually.

Total estimated burden: 35,000 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$4,800,000 (per year), includes \$14,700 annualized capital or O&M costs.

Changes in the Estimates: There is no change in burden from the most-recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to two considerations: (1) the regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for this industry is very low or non-existent, so there is no significant change in the overall burden. There is a slight increase in the operation and maintenance (O&M) costs due to O&M costs being updated from \$2008 to \$2023 using the CEPCI Index. There is a slight increase in respondent burden costs, which is wholly due to the use of updated labor rates. This ICR uses labor rates from the most-recent Bureau of Labor Statistics report (December 2023) to calculate respondent burden costs.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025–20052 Filed 11–17–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0288; FRL–12692–01–
OCSPP]

Agency Information Collection Activities; Proposed Renewal Collection and Request for Comment; Certification of Pesticide Applicators

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces the availability of

and solicits public comment on the following Information Collection Request (ICR) that EPA is planning to submit to the Office of Management and Budget (OMB): Certification of Applicators (EPA ICR No. 0155.17 and OMB Control No. 2070-0029). This ICR represents a renewal of an existing ICR that is currently approved through August 31, 2026. Before submitting the ICR to OMB for review and approval under the PRA, EPA is soliciting comments on specific aspects of the information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before January 20, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number Docket ID No. EPA-HQ-OPP-2021-0288, online at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Carolyn Siu, Office of Program Support (Mail Code 7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: 202-566-1205; email address: siu.carolyn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

1. 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.
2. Evaluate the accuracy of the Agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. 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. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: Certification of Pesticide Applicators

EPA ICR No.: 0155.17

OMB Control No.: 2070-0029

ICR Status: This ICR is currently approved through August 31, 2026. Under the PRA, 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 EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: EPA administers certification programs for pesticide applicators under section 11 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). FIFRA allows EPA to classify a pesticide as "restricted use" if the pesticide meets certain toxicity or risk criteria. The regulations in 40 CFR part 171 include procedures for certification programs for States, Federal agencies, Indian tribes, or U.S. territories who wish to develop and implement their own certification plans and programs, after obtaining EPA approval. This ICR addresses the paperwork activities performed by respondents to comply with training and certification requirements associated with applicators of restricted use pesticides (RUPs). Due to the potential of improperly applied RUPs to harm human health or the environment, pesticides under this classification may be purchased and applied only by "certified applicators" or by persons under the direct supervision of certified applicators. Currently all 50 states, the District of Columbia, 6 territories, 4 tribes and 5 federal agencies are authorized to run their own certification

programs within their jurisdictions, but each agency's certification plan must be approved by EPA before it can be implemented. Agencies authorized by EPA to administer a certification program are collectively referred to as "authorized agencies." In areas where no authorized agency has jurisdiction, EPA may administer a certification program directly, (e.g., Federal program). Federal programs require RUP dealers to maintain records of RUP sales and to report and update their names and addresses with the pesticide regulatory agency for enforcement purposes. This ICR also addresses how registrants of certain pesticide products are expected to perform specific, special paperwork activities, to comply with the terms and conditions of the pesticide registration (e.g., registrants of anthrax-related pesticide products).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Form number(s): EPA Form 8500-017 and EPA Form EPA-PFN-3400-5.

Respondents/affected entities: Entities potentially affected by this ICR include agricultural establishments, pest control officials, pesticide registrants, pesticide dealers, and administrators of environmental protection programs, governmental pest control programs, pesticide applicator certification programs (e.g., authorized agencies), and RUP dealers (only for EPA administered programs). North American Industrial Classification System (NAICS) codes identified in question 12 of the ICR.

Respondent's obligation to respond: Mandatory. FIFRA sections 3 and 11, and 40 CFR part 171

Estimated number of potential respondents: 2,722,244.

Frequency of response: On occasion.

Total estimated average number of responses for each respondent: 249.

Total estimated burden: 3,350,304 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated costs: \$165,574,065 (per year), includes \$0 annualized capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

There is a decrease of 315,095 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This decrease primarily reflects EPA's updating of burden estimates for this collection based upon respondents

already having some familiarity with the regulations and certifying authorities having completed the more burdensome process of updating certification plans to comply with the updated 2017 requirements and shifting into the implementation phase of updating their certification programs. During this phase, certifying authorities may experience some paperwork burden if modifications to approved plans are needed, though these changes would only occur on an as-needed basis and are more limited in scale compared to the previous burden estimates. Additionally, EPA's estimates include updates to the number of total certified applicators, and associated noncertified applicators under their supervision, based on information reported by certifying authorities in their annual reports to the Agency. These changes are adjustments.

IV. What is the next step in the process for this ICR?

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 pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: October 18, 2025.

Nancy B. Beck,

*Principal Deputy Assistant Administrator,
Office of Chemical Safety and Pollution
Prevention.*

[FR Doc. 2025–20072 Filed 11–17–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R02–OAR–2025–2402; FRL 13040–01–R2]

Issuance of Part 71 Federal Operating Air Permit for Turning Stone Resort and Casino, Oneida Indian Nation; Notice of Final Action

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice of final action.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) issued a final Title V Federal Operating air permit pursuant to Title V

of the Clean Air Act for Turning Stone Resort and Casino, owned by the Oneida Indian Nation, located within the boundaries of the Oneida Indian Nation, Oneida Indian Reservation, in Oneida County, Verona, New York.

DATES: The EPA issued Part 71 Federal Operating Air Permit No. ONEIDA004 to Turning Stone Resort and Casino on September 11, 2025 under Title V of the Clean Air Act and 40 CFR part 71. The permit became effective on September 11, 2025.

FOR FURTHER INFORMATION CONTACT: Viorica Petriman, Environmental Engineer, Air and Radiation Division, EPA, Region 2, at (212) 637–4021 or at petriman.viorica@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document whenever “we”, “us”, or “our” is used, we mean EPA. This **SUPPLEMENTARY INFORMATION** section is arranged as follows:

Table of Contents

- I. How can I get copies of this document and other related information?
- II. Background
- III. Effect of This Action

I. How can I get copies of this document and other related information?

The EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2025–2402. Publicly available docket materials, including the final permit along with the application and all other related documents are available in the docket at <https://www.regulations.gov>.

II. Background

On July 11, 2025, the EPA Region 2 proposed a draft Part 71 permit renewal for Turning Stone Resort and Casino and requested public comment on the draft permit.

The Part 71 permit is a permit renewal that allows the facility to continue to operate its existing emission sources in accordance with the permit, but it does not authorize the addition of any new emission source or any increase in emissions.

During the public comment period, which ended on August 18, 2025, we did not receive any comments. The EPA issued the final permit without making any changes from the draft to the final permit decision, and, thus, as provided by 40 CFR 71.11(i)(2)(iii), the final permit became effective immediately upon issuance. We provided the facility with information regarding the opportunity to appeal the final Part 71 permit administratively, consistent with 40 CFR 71.11(l) and section 307(b) of the Clean Air Act.

40 CFR 124.19(l)(3)(iii) requires that the EPA provide notice in the **Federal Register** of any final agency action regarding Federal Title V operating permits issued under 40 CFR part 71.

Section 307(b)(1) of the CAA provides for judicial review of the final agency action within sixty (60) days from the date on which notice of the action appears in the **Federal Register**. A petition to the EPA's Environmental Appeals Board for administrative review is a prerequisite to seeking judicial review. 40 CFR 124.19(l). Since no such petitions for administrative review were submitted for the Turning Stone Resort and Casino final Part 71 Federal Operating air permit, no judicial review for this final Part 71 air permit may be sought. Under section 307(b)(2) of the CAA, this determination to issue a final Part 71 Federal Operating air permit shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

III. Effect of This Action

Since no changes were made from draft to the final permit, the final Part 71 Federal Operating air permit became effective on September 11, 2025, as consistent with 40 CFR 71.11(l). This final permit will expire on September 11, 2030.

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

Michael Martucci,

Regional Administrator, Region 2.

[FR Doc. 2025–20126 Filed 11–17–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0122; FRL–12614–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; NESHAP for Nine Metal Fabrication and Area Finishing Source (Renewal)

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Nine Metal Fabrication and Area Finishing Source (EPA ICR Number 2298.07, OMB Control Number 2060–0622) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is

currently approved through November 30, 2025. Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before December 18, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2021–0122, to EPA online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711; telephone number: (919) 541–0833; email address: ali.muntasir@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through November 30, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period (89 FR 63933). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center,

WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP), for Nine Metal Fabrication and Finishing Area Sources (40 CFR part 63, subpart XXXXXX) were proposed on April 3, 2008, and promulgated on July 23, 2008. These regulations apply to owners or operators of any existing or new metal fabrication and finishing facility that is an area source of hazardous air pollutant (HAP) emissions and uses or has the potential to emit metal fabrication or finishing metal HAP (MFHAP), defined to be the compounds of cadmium, chromium, lead, manganese, and nickel, or any of these metals in the elemental form with the exception of lead. The affected sources consist of several types of metal fabrication and finishing processes, including any abrasive blasting, metalworking (which includes machining, and dry grinding and dry polishing with machines), spray painting, and welding operations. New facilities include those that commenced construction or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart XXXXXX.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Form Numbers: None.

Respondents/affected entities:

Owners or operators of metal fabrication and finishing facilities.

Respondent's obligation to respond:

Mandatory (40 CFR part 63, subpart XXXXXX).

Estimated number of respondents: 5,800 (total).

Frequency of response: Monthly, annually.

Total estimated burden: 39,000 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$5,340,000 (per year), includes no annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in burden from the most recently

approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Second, the growth rate for this industry is very low or non-existent, so there is no significant change in the overall burden. Since there are no changes in the regulatory requirements and there is no significant industry growth, there are also no changes in the capital/startup or operation and maintenance (O&M) costs. There is a slight increase in costs, which is wholly due to the use of updated labor rates. This ICR uses labor rates from the most recent Bureau of Labor Statistics report (December 2023) to calculate respondent burden costs.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025–20053 Filed 11–17–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2020–0670; FRL–12803–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NSPS for Oil and Natural Gas Production and Natural Gas Transmission and Distribution (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Oil and Natural Gas Production and Natural Gas Transmission and Distribution (EPA ICR Number 2437.06, OMB Control Number 2060–0673) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2025. Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before December 18, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–

HQ-OAR-2020-0670, to EPA online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Muntasir Ali, Sector Policies and Program Division (D243-05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711; telephone number: (919) 541-0833; email address: ali.muntasir@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through November 30, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period (89 FR 63933). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The New Source Performance Standards (NSPS) for the regulations published at 40 CFR part 60, subpart OOOO were proposed on August 23, 2011, promulgated on August 16, 2012, and most recently amended on March 8, 2024. These regulations apply to oil and natural gas facilities that commence construction, modification or reconstruction after August 23, 2011, and on or before September 19, 2015, that are involved in the extraction and production of oil and natural gas, as well as the processing, transmission, and distribution of natural gas. Facilities that commenced construction, modification, or reconstruction after September 18, 2015 and on or before December 6, 2022 are subject to 40 CFR 60, Subpart OOOOa. Facilities that commence construction, modification, or reconstruction after December 6, 2022 are subject to 40 CFR 60, Subpart OOOOb. This information is being collected to assure compliance with 40 CFR part 60, subpart OOOO.

In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NSPS.

Form Numbers: None.

Respondents/affected entities: Oil and natural gas facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart OOOO).

Estimated number of respondents: 417 (total).

Frequency of response: Semiannually, annually.

Total estimated burden: 54,300 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$11,000,000 (per year), which includes \$3,590,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: The change in burden from the most recently approved ICR is due to adjustments. The adjustment decrease in burden from the most recently approved ICR is due to a decrease in the number of existing

sources and a growth rate of zero new sources. The decrease in the number of respondents also resulted in a decrease in labor costs, which was offset slightly by the use of updated labor rates. This ICR uses labor rates from the most recent Bureau of Labor Statistics report (December 2023) to calculate respondent burden costs. There is an increase in Capital O&M costs, which is due to the use of updated labor rates and an update from 2012\$ to 2023\$ using the Chemical Engineering Plant Cost Index (CEPCI).

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025-20054 Filed 11-17-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2017-0751; FRL-13004-01-OCSPP]

Pesticide Registration Review; Decisions and Case Closures for Several Pesticides; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's interim registration review decision for sedaxane.

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information, contact: The Chemical Review Manager for sedaxane identified in Table 1 of Unit I.

For general information on the registration review program, contact: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-0701; email address: biscoe.melanie@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Purpose of this Notice

Pursuant to 40 CFR 155.58(c), this notice announces the availability of EPA's interim registration review decision for the pesticide shown in Table 1. The interim registration review decision is supported by rationales included in the docket established for each chemical.

TABLE 1—INTERIM AND FINAL REGISTRATION REVIEW DECISION BEING ISSUED

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Sedaxane Case No. 7065	EPA-HQ-OPP-2022-0448	Samantha Carter, carter.samantha@epa.gov , (202) 566-1179.

II. Background

EPA is conducting its registration review of sedaxane pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 3(g) (7 U.S.C. 136a(g)) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. FIFRA section 3(g) provides, among other things, that pesticide registrations are to be reviewed every 15 years. Consistent with 40 CFR 155.57, in its final registration review decision, EPA will ultimately determine whether a pesticide continues to meet the registration standard in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). As part of the registration review process, the Agency has completed an interim registration review decision for sedaxane.

Prior to completing the interim registration review decision for sedaxane, EPA posted and invited the public to submit any comments or new information on the proposed interim registration review decision and the amended proposed interim registration review decision (please see the sedaxane registration review docket at [Regulations.gov](https://www.regulations.gov)), consistent with 40 CFR 155.58(a). EPA considered and responded to comments or information received during the public comment periods in the interim registration review decision.

For additional background on the registration review program, see: <https://www.epa.gov/pesticide-reevaluation>.

Authority: 7 U.S.C. 136 *et seq.*

Dated: October 6, 2025.

Jean Anne Overstreet,

*Director, Pesticide Re-Evaluation Division,
Office of Pesticide Programs.*

[FR Doc. 2025-20138 Filed 11-17-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-OPP-2021-0743; FRL-13001-01-OCSPF]

Agency Information Collection Activities; Proposed Renewal Collection and Request for Comment; Reporting in the FIFRA Grant Database

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces the availability of and solicits public comment on the following Information Collection Request (ICR) that EPA is planning to submit to the Office of Management and Budget (OMB): Reporting in the FIFRA Grant Database (EPA ICR No. 2511.04 and OMB Control No. 2070-0198). This ICR represents a renewal of an existing ICR that is currently approved through July 31, 2026. Before submitting the ICR to OMB for review and approval under the PRA, EPA is soliciting comments on specific aspects of the information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before January 20, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number Docket ID No. EPA-HQ-OPP-2021-0743, online at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Carolyn Siu, Office of Program Support (Mail Code 7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: 202-566-1205; email address: siu.carolyn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

1. 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.

2. Evaluate the accuracy of the Agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. 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. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: Reporting in the FIFRA Grant Database.

EPA ICR No.: 2511.04.

OMB Control No.: 2070-0198.

ICR Status: This ICR is currently approved through July 31, 2026. Under the PRA, 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 EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for

certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR describes the burden activities for the electronic collection of information for the pre-award burden activity for creating a work plan and the post-award and after-the-grant award activities related to reporting accomplishments to implement EPA's Federal Insecticide Fungicide and Rodenticide Act (FIFRA) State and Tribal Assistance Grant (STAG) program (7 U.S.C. 136u). This ICR assesses the reporting burden for FIFRA activities in the STAG program that is also covered in an ICR titled "General Performance Reporting for Assistance Programs" (EPA ICR No. 2802.01; OMB Control No. 2090-0038). The Agency grant ICR, ((EPA ICR No. 2802.01; OMB Control No. 2090-0038) collects information to track progress made by the Agency's financial assistance programs, with respect to *effectiveness* (e.g., the extent to which projects achieve their objectives, goals, and targets), and *efficiency* (e.g., the extent to which projects deliver activities and outputs on schedule and within budget). The reporting requirements for all recipients of EPA grants or cooperative agreements (assistance agreements) is covered by ICR, titled "EPA's General Regulation for Assistance Programs ICR" (EPA ICR No. 0938.18; OMB Control No. 2030-0020).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Form number(s): 5700.

Respondents/affected entities: Entities potentially affected by this ICR include state, local governments, Indian tribes, and U.S. territories that are grantees of Federal funds participating in the FIFRA STAG program. The North American Industrial Classification System (NAICS) codes are identified in question 12 of the ICR.

Respondent's obligation to respond: Mandatory. 2 CFR 1500.

Estimated number of potential respondents: 80.

Frequency of response: Biannually.

Total estimated average number of responses for each respondent: 2.

Total estimated burden: 25,872 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated costs: \$2,580,269 (per year), includes \$0 annualized capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

There is no change in the number of hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. The only change is the update of the wage rates for both respondents and the Agency. This change is an adjustment.

IV. What is the next step in the process for this ICR?

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 pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: October 18, 2025.

Nancy B. Beck,

*Principal Deputy Assistant Administrator,
Office of Chemical Safety and Pollution
Prevention.*

[FR Doc. 2025-20071 Filed 11-17-25; 8:45 am]

BILLING CODE 6560-50-P

EXPORT-IMPORT BANK

[Public Notice: 2025-3023]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 12-01, Medium Term Master Guarantee Agreement Disbursement Approval Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM Bank), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

DATES: Comments must be received on or before December 18, 2025 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on

WWW.REGULATIONS.GOV or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20038, Attn: OMB 3048-0049. The information collection tool can be reviewed at: https://img.exim.gov/s3fs-public/pub/pending/eib12-01_2025.pdf.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Donna Schneider <donna.schneider@exim.gov>, 202-565-3612.

SUPPLEMENTARY INFORMATION: EXIM Bank has an electronic disbursement approval processing system for guaranteed lenders with transactions documented under Medium-Term Master Guarantee Agreements. After an export transaction has been authorized by EXIM Bank and legal documentation has been completed, the lender will obtain and review the required disbursement documents (e.g., invoices, bills of lading, Exporter's Certificate, etc.) and will disburse the proceeds of the loan for eligible goods and services. In order to obtain approval of the disbursement, the lender will access and complete an electronic questionnaire through EXIM Bank's online application system (EXIM Online). Using the form, the lender will input key data and request EXIM Bank's approval of the disbursement. EXIM Bank's action (approved or denied) is posted on the lender's history page. The information collected in the questionnaire will assist EXIM Bank in determining that each disbursement under a Medium-Term Guarantee meets all the terms and conditions for approval.

Title and Form Number: EIB 12-01 Medium-Term Master Guarantee Agreement Disbursement Approval Request.

OMB Number: 3048-0049.

Type of Review: Regular.

Need and Use: The information requested enables EXIM Bank to determine that a disbursement under a Medium-Term Guarantee meets all of the terms and conditions for approval.

Affected Public: This form affects lenders involved in the financing of U.S. goods and services exports.

Annual Number of Respondents: 150.

Estimated Time per Respondent: 30 minutes.

Annual Burden Hours: 75 hours.

Frequency of Reporting of Use: Annual.

Dated: November 14, 2025.

Andrew Smith,
Records Officer.

[FR Doc. 2025-20169 Filed 11-17-25; 8:45 am]

BILLING CODE 6690-01-P

EXPORT-IMPORT BANK**[Public Notice: 2025–3024]****Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 12–02, Credit Guarantee Facility Disbursement Approval Request****AGENCY:** Export-Import Bank of the United States.**ACTION:** Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM Bank), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

DATES: Comments must be received on or before December 18, 2025 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on www.regulations.gov or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20038, Attn: OMB 3048–0046. The information collection tool can be reviewed at: https://img.exim.gov/s3fs-public/pub/pending/eib12-02_2025_508.pdf.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Donna Schneider, donna.schneider@exim.gov, 202–565–3612.

SUPPLEMENTARY INFORMATION: EXIM Bank has an electronic disbursement approval processing system for guaranteed lenders with Credit Guarantee Facilities. After a Credit Guarantee Facility (CGF) has been authorized by EXIM Bank and legal documentation has been completed, the lender will obtain and review the required disbursement documents (*e.g.*, invoices, bills of lading, Exporter's Certificate, etc.) and will disburse the proceeds of the loan for eligible goods and services. In order to obtain approval of the disbursement, the lender will access and complete an electronic questionnaire through EXIM Bank's online application system (EXIM Online). Using the form, the lender will input key data and request EXIM Bank's approval of the disbursement. EXIM Bank's action (approved or denied) is posted on the lender's history page. The information collected in the questionnaire will assist EXIM Bank in determining that each disbursement

under a Medium-Term Guarantee meets all the terms and conditions for approval.

Title and Form Number: EIB 12–02 Credit Guarantee Facility Disbursement Approval Request.

OMB Number: 3048–0046.

Type of Review: Regular.

Need and Use: The information requested enables EXIM Bank to determine that a disbursement under a Credit Guarantee Facility meets all of the terms and conditions for approval. *Affected Public:* This form affects lenders involved in the financing of U.S. goods and services exports.

Annual Number of Respondents: 50.

Estimated Time per Respondent: 60 minutes.

Annual Burden Hours: 50 hours.

Frequency of Reporting of Use: Annual.

Dated: November 14, 2025.

Andrew Smith,

Records Officer.

[FR Doc. 2025–20167 Filed 11–17–25; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK**[Public Notice 2025–3026]****Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 09–01, Payment Default Report****AGENCY:** Export-Import Bank of the U.S.**ACTION:** Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

DATES: Comments should be received on or before December 18, 2025 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on WWW.REGULATIONS.GOV or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20038. Attn: 3048–0028. The form can be viewed at: https://img.exim.gov/s3fs-public/pub/pending/eib09-01_payment_default_report.pdf.

FOR FURTHER INFORMATION CONTACT: Gary Allo <gary.allo@exim.gov>, 202–565–3706.

SUPPLEMENTARY INFORMATION: This collection allows insured/guaranteed

parties and insurance brokers to report overdue payments from the borrower and/or guarantor. To facilitate completion, the form includes many checkboxes and self-populating fields. Also, customers can submit it electronically through EXIM Online, replacing paper reporting. EXIM provides insurance, loans, and loan guarantees for the financing of exports of goods and services.

Titles and Form Number: EIB 09–01, Payment Default Report.

OMB Number: 3048–0028.

Type of Review: Regular.

Need and Use: The information requested enables insured/guaranteed parties and insurance brokers to report overdue payments from the borrower and/or guarantor.

Affected Public: This form affects Insured/guaranteed parties and brokers.

Annual Number of Respondents: 500.

Estimated Time per Respondent: 15 minutes.

Annual Burden Hours: 125 hours.

Frequency of Reporting of Use: Annual.

Dated: November 14, 2025.

Andrew Smith,

Records Officer.

[FR Doc. 2025–20165 Filed 11–17–25; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK**[Public Notice: 2025–3025]****Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 15–04, Exporter's Certificate for Co-Financed Guarantee & MT Insurance Programs****AGENCY:** Export-Import Bank of the United States.**ACTION:** Renewal submission for OMB review and final comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM Bank), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

DATES: Comments must be received on or before December 18, 2025 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on WWW.REGULATIONS.GOV or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW,

Washington, DC 20038, Attn: OMB 3048–0052, EIB15–04. The information collection tool can be reviewed at: https://img.exim.gov/s3fs-public/public/pending/eib15-04_508.pdf.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Donna Schneider, <donna.schneider@exim.gov>, 202–565–3612.

SUPPLEMENTARY INFORMATION: EXIM Bank's borrowers, financial institution policy holders and guaranteed lenders provide this form to U.S. exporters, who certify to the eligibility of their exports for Ex-Im Bank support. For direct loans and loan guarantees, the completed form is required to be submitted at time of disbursement and held by either the guaranteed lender or EXIM Bank. For MT insurance, the completed forms are held by the financial institution, only to be submitted to Ex-Im Bank in the event of a claim filing. EXIM Bank uses the referenced form to obtain exporter certifications regarding the export transaction, content sourcing, and their eligibility to participate in USG programs with respect to co-financed transactions. These details are necessary to determine the value and legitimacy of EXIM Bank financing support and claims submitted. It also provides the financial institutions a check on the export transaction's eligibility at the time it is fulfilling a financing request.

Title and Form Number: EIB 15–04 Exporter's Certificate for Co-Financing Transactions.

OMB Number: 3048–0052.

Type of Review: Regular.

Need and Use: The information collected will allow EXIM Bank to determine compliance and content for transaction requests submitted to EXIM Bank under its co-financed insurance and guarantee programs.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 30.

Estimated Time per Respondent: 30 minutes.

Annual Burden Hours: 15 hours.

Frequency of Reporting of Use: As required.

Dated: November 14, 2025.

Andrew Smith,

Records Officer.

[FR Doc. 2025–20174 Filed 11–17–25; 8:45 am]

BILLING CODE 6690–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2022–0023]

FEDERAL RESERVE SYSTEM

[Docket No. OP–1793]

FEDERAL DEPOSIT INSURANCE CORPORATION

RIN 3064–ZA32

Rescission of Principles for Climate-Related Financial Risk Management for Large Financial Institutions

AGENCY: Office of the Comptroller of the Currency, Treasury, Board of Governors of the Federal Reserve System, and Federal Deposit Insurance Corporation.

ACTION: Rescission of final interagency guidance.

SUMMARY: The Office of the Comptroller of the Currency, Treasury (OCC), the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC) (collectively, the agencies) are rescinding the interagency Principles for Climate-Related Financial Risk Management for Large Financial Institutions.

DATES: The interagency guidance published at 88 FR 74183 (October 30, 2023) is rescinded as of November 18, 2025.

FOR FURTHER INFORMATION CONTACT:

OCC: Russell D'Costa, Program Analyst, Office of the Chief National Bank Examiner, (202) 649–8283; Melissa Love-Greenfield, Deputy Comptroller for Systemic Risk Identification and Support, Office of the Chief National Bank Examiner; Madelyn Tynan, Counsel, Chief Counsel's Office, (202) 649–5490, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

Board: Anna Lee Hewko, Associate Director, (202) 250–1577, Division of Supervision and Regulation; Asad Kudiya, Associate General Counsel, (202) 475–6358, Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

FDIC: Andrew Carayiannis, Chief, Policy and Risk Analytics Section; Lauren Brown, Senior Policy Analyst, Capital Markets and Accounting Policy Branch, Division of Risk Management Supervision; Karlyn Hunter, Counsel,

Legal Division; (202) 898–6888; Federal Deposit Insurance Corporation, 3701 Fairfax Drive, Arlington, VA 22203.

SUPPLEMENTARY INFORMATION:

I. Background

On October 30, 2023, after issuing separate requests for comment,¹ the agencies jointly issued Principles for Climate-Related Financial Risk Management (principles).² These principles were intended for financial institutions³ with over \$100 billion in total consolidated assets. On March 31, 2025, the OCC withdrew its participation in the principles.⁴

II. Rescission of Guidance

The agencies' existing safety and soundness standards require all insured depository institutions to have effective risk management processes commensurate with the size, complexity and risk of their activities.⁵ In addition, financial institutions of all sizes are expected to consider and appropriately address all material risks in their operating environment and should be resilient to a range of risks, including emerging risks.⁶ The agencies do not believe principles for the management of climate-related financial risk are necessary and are concerned that such

¹ OCC Bulletin 2021–62, Risk Management: Principles for Climate-Related Financial Risk Management for Large Banks; Request for Feedback, (December 16, 2021); FDIC, Request for Comment on a Statement of Principles for Climate-Related Financial Risk Management for Large Financial Institutions, 87 FR 19507 (April 4, 2022); Board, Principles for Climate-Related Financial Risk Management for Large Financial Institutions, 87 FR 75267 (December 8, 2022).

² 88 FR 74183 (October 30, 2023).

³ In this issuance, the term “financial institution” or “institution” includes national banks, Federal savings associations, U.S. branches and agencies of foreign banks, state nonmember banks, state savings associations, state member banks, bank holding companies, savings and loan holding companies, intermediate holding companies, foreign banking organizations with respect to their U.S. operations, and non-bank systemically important financial institutions (SIFIs) supervised by the Board.

⁴ OCC Withdraws Principles for Climate-Related Financial Risk Management for Large Financial Institutions, News Release 2025–27 (March 31, 2025).

⁵ Section 39 of the Federal Deposit Insurance Act, 12 U.S.C. 1831p–1, requires the FDIC, Board, and OCC to prescribe safety and soundness standards for insured depository institutions. Such standards were implemented by rule in 12 CFR part 364, appendix A (FDIC), 12 CFR part 208, appendix D–1 (Board), and 12 CFR part 30, appendix A (OCC). These guidelines address, among other things, operational and managerial standards relating to (1) internal controls, information systems and internal audit systems; (2) loan documentation; (3) credit underwriting; and (4) interest rate risk exposure.

⁶ See, e.g., SR Letter 95–51 (as revised June 23, 2025); SR Letter 21–3 (February 26, 2021); OCC Comptroller's Handbook, Bank Supervision Process; FDIC Risk Management Manual of Examination Policies, Section 4.1 Management.

principles could distract from the management of other potential risks identified and addressed by financial institutions' existing risk management processes and the agencies' other risk management rules and guidance.⁷ Therefore, the principles are rescinded.

III. Administrative Law Matters

A. Executive Order 12866

Pursuant to section 3(f) of Executive Order 12866, the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) has determined that the rescission is a "significant regulatory action."

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (PRA) states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid OMB control number.

The rescission does not create any new, or revise any existing, collections of information under the PRA. Therefore, no information collection request will be submitted to the OMB for review.

Jonathan V. Gould,
Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System.

Benjamin W. McDonough,
Deputy Secretary of the Board.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC on September 25, 2025.

Jennifer M. Jones,
Deputy Executive Secretary.

[FR Doc. 2025–20213 Filed 11–17–25; 8:45 am]

BILLING CODE 6210–01–P; 4810–33–P; 6714–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2025–N–8]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: 60-Day notice of submission of information collection for approval from Office of Management and Budget.

SUMMARY: In accordance with the requirements of the Paperwork

Reduction Act of 1995 (PRA), the Federal Housing Finance Agency (FHFA or the Agency) is seeking public comments concerning an information collection known as "Community Support Requirements," which has been assigned control number 2590–0005 by the Office of Management and Budget (OMB). FHFA intends to submit the information collection to OMB for review and approval of a three-year extension of the control number, which is due to expire on April 30, 2026.

DATES: Interested persons may submit comments on or before January 20, 2026.

ADDRESSES: Submit comments to FHFA, identified by "Proposed Collection; Comment Request: 'Community Support Requirements, (No. 2025–N–8)'" by any of the following methods:

- *Agency Website:* www.fhfa.gov/open-for-comment-or-input.
- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal*, please also send it by email to FHFA at RegComments@fhfa.gov to ensure timely receipt by the agency.
- *Mail/Hand Delivery:* Federal Housing Finance Agency, Fourth Floor, 400 Seventh Street SW, Washington, DC 20219, ATTENTION: Proposed Collection; Comment Request: "Community Support Requirements, (No. 2025–N–8)." Please note that all mail sent to FHFA via U.S. Mail is routed through a national irradiation facility, a process that may delay delivery by approximately two weeks. For any time-sensitive correspondence, please plan accordingly.

FHFA will post all public comments on the FHFA public website at <http://www.fhfa.gov>, except as described below. Commenters should submit only information that the commenter wishes to make available publicly. FHFA 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. FHFA may, in its discretion, redact or refrain from posting all or any portion of any comment that contains content that is obscene, vulgar, profane, or threatens harm. All comments, including those that are redacted or not posted, will be retained in their original form in FHFA's internal file and considered as required by all applicable laws. Commenters that would like FHFA to consider any portion of their comment exempt from disclosure on the

basis that it contains trade secrets, or financial, confidential or proprietary data or information, should follow the procedures in section IV.D. of FHFA's *Policy on Communications with Outside Parties in Connection with FHFA Rulemakings*, see https://www.fhfa.gov/sites/default/files/documents/Ex-Parte-Communications-Public-Policy_3-5-19.pdf. FHFA cannot guarantee that such data or information, or the identity of the commenter, will remain confidential if disclosure is sought pursuant to an applicable statute or regulation. See 12 CFR 1202.8, 12 CFR 1214.2, and the FHFA FOIA Reference Guide at <https://www.fhfa.gov/about/foia-reference-guide> for additional information.

FOR FURTHER INFORMATION CONTACT:

Tiffani Moore, Supervisory Policy Analyst, by email at Tiffani.Moore@fhfa.gov, by telephone at (202) 649–3304; or Angela Supervielle, Assistant General Counsel, by email at Angela.Supervielle@fhfa.gov, by telephone at (202) 649–3973 (these are not toll-free numbers). For TTY/TRS users with hearing and speech disabilities, dial 711 and ask to be connected to any of the contact numbers above.

SUPPLEMENTARY INFORMATION:

A. Need For and Use of the Information Collection

The Federal Home Loan Bank System (System) consists of eleven regional Federal Home Loan Banks (Banks) and the Office of Finance, a joint office of the Banks that issues and services their debt securities. The Banks are wholesale financial institutions, organized under authority of the Federal Home Loan Bank Act (Bank Act) to serve the public interest by enhancing the availability of residential housing finance and community lending credit through their member institutions and, to a limited extent, through eligible non-member "housing associates." Each Bank is structured as a regional cooperative that is owned and controlled by member financial institutions located within its district, which are also its primary customers.

Section 10(g)(1) of the Bank Act requires the Director of FHFA to promulgate regulations establishing standards of community investment or service that Bank member institutions must meet in order to maintain access to long-term Bank advances.^{1 2} Section

¹ 12 U.S.C. 1430(g)(1).

² For purposes of the community support requirements, a long-term advance is an advance

⁷ Neither the principles nor this rescission requires or prohibits financial institutions' consideration of any particular risk or set of risks, nor do they create any rights or obligations for financial institutions.

10(g)(2) of the Bank Act requires that, in establishing these community support requirements for Bank members, FHFA take into account factors such as the member's performance under the Community Reinvestment Act of 1977 (CRA)³ and record of lending to first-time homebuyers.⁴ FHFA's community support regulation, which establishes standards and review criteria for determining compliance with section 10(g) of the Bank Act, is set forth at 12 CFR part 1290.

Part 1290 requires that each Bank member subject to community support review submit to FHFA biennially a completed Community Support Statement (Form 060), which contains several short questions, the answers to which are used by FHFA to assess the responding member's compliance with the statutory and regulatory community support standards.⁵ Members are strongly encouraged to complete and submit Form 060 online, but may submit a version via email or fax if they cannot complete the submission online. In Part I of Form 060, a member that is subject to the CRA must record its most recent CRA rating and the year of that rating. Part II of Form 060 addresses a member's efforts to assist first-time homebuyers. A member may either record the number and dollar amount of mortgage loans made to first-time homebuyers in the previous or current calendar year (Part II.A) or indicate the types of programs or activities it has undertaken to assist first-time homebuyers by checking selections from a list (Part II.B), or do both. If a member has received a CRA rating of "Outstanding," it need not complete Part II.

Part 1290 also establishes the circumstances under which FHFA will restrict a member's access to long-term Bank advances and to the Bank Affordable Housing Programs (AHP), Community Investment Programs (CIP), and Community Investment Cash Advance (CICA) programs for failure to meet the community support requirements.⁶ Part 1290 permits Bank members whose access to long-term advances has been restricted to apply directly to FHFA to remove the restriction.⁷

The OMB control number for this information collection is 2590-0005, which is due to expire on April 30, 2026. The respondents are Bank member institutions.

B. Burden Estimate

FHFA is seeking OMB clearance for two information collections under this control number: (1) Community Support Statements (Form 060); and (2) Requests to Remove a Restriction on Access to Long-Term Advances. The total estimated annualized hour burden imposed upon respondents by these two information collections is 1,856 hours. The method FHFA used to determine the annual hour burden for each facet of the information collection is explained below.

1. Community Support Statements

FHFA estimates an annual average of 3,090 respondents. FHFA estimates that the average preparation and submission time for each Community Support Statement is 0.6 hours. The estimate for the total annual hour burden on Bank members in connection with the preparation and submission of Community Support Statements is, therefore, 1,854 hours (3,090 Statements $\times$ 0.6 hours).

2. Requests To Remove a Restriction on Access to Long-Term Advances

FHFA estimates that an annual average of 2 Bank members whose access to long-term advances and to AHP, CIP, and CICA programs has been restricted will prepare and submit requests to FHFA to remove those restrictions, and that the average preparation time for each request will be 1 hour. The estimate for the total annual hour burden on Bank members in connection with the preparation and submission of requests to remove a restriction on access to long-term advances is, therefore, 2 hours (2 requests $\times$ 1 hours).

C. Comment Request

FHFA requests written comments on the following: (1) whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use

of automated collection techniques or other forms of information technology.

Shawn Bucholtz,
Chief Data Officer, Federal Housing Finance Agency.

[FR Doc. 2025-20124 Filed 11-17-25; 8:45 am]

BILLING CODE 8070-01-P

FEDERAL HOUSING FINANCE AGENCY

[No. 2025-N-9]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: 60-Day notice of submission of information collection for approval from Office of Management and Budget.

SUMMARY: The Federal Housing Finance Agency (FHFA), as part of its continuing effort to reduce paperwork and respondent burden, invites public comments on an information collection titled the "Affordable Housing Program," as required by the Paperwork Reduction Act of 1995 (PRA). FHFA intends to submit to the Office of Management and Budget (OMB) the information collection (assigned control number 2590-0007 by OMB) for review and approval of a three-year extension of the control number, which is set to expire April 30, 2026.

DATES: Interested persons may submit comments on or before January 20, 2026.

ADDRESSES: Submit comments to FHFA, identified by "Proposed Collection; Comment Request: 'Affordable Housing Program, (No. 2025-N-9)'" by any of the following methods:

- *Agency Website:* www.fhfa.gov/open-for-comment-or-input.
- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal*, please also send it by email to FHFA at RegComments@fhfa.gov to ensure timely receipt by the agency.

- *Mail/Hand Delivery:* Federal Housing Finance Agency, Fourth Floor, 400 Seventh Street SW, Washington, DC 20219, ATTENTION: Proposed Collection; Comment Request: "Affordable Housing Program, (No. 2025-N-9)." Please note that all mail sent to FHFA via U.S. Mail is routed through a national irradiation facility, a process that may delay delivery by approximately two weeks. For any time-sensitive correspondence, please plan accordingly.

with a term of maturity greater than one year. 12 CFR 1290.1 (definition of "long-term advance").

³ See 12 U.S.C. 2901 *et seq.*

⁴ 12 U.S.C. 1430(g)(2).

⁵ See 12 CFR 1290.2. Non-depository community development financial institutions and institutions that have been Bank members for less than one year as of March 31 of the year the Form 060 is due are not required to submit Form 060.

⁶ See 12 CFR 1290.5(b), (e).

⁷ See 12 CFR 1290.5(d).

FHFA will post all public comments on the FHFA public website at <http://www.fhfa.gov>, except as described below. Commenters should submit only information that the commenter wishes to make available publicly. FHFA 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. FHFA may, in its discretion, redact or refrain from posting all or any portion of any comment that contains content that is obscene, vulgar, profane, or threatens harm. All comments, including those that are redacted or not posted, will be retained in their original form in FHFA's internal file and considered as required by all applicable laws. Commenters that would like FHFA to consider any portion of their comment exempt from disclosure on the basis that it contains trade secrets, or financial, confidential or proprietary data or information, should follow the procedures in section IV.D. of FHFA's *Policy on Communications with Outside Parties in Connection with FHFA Rulemakings*, see https://www.fhfa.gov/sites/default/files/documents/Ex-Parte-Communications-Public-Policy_3-5-19.pdf. FHFA cannot guarantee that such data or information, or the identity of the commenter, will remain confidential if disclosure is sought pursuant to an applicable statute or regulation. See 12 CFR 1202.8, 12 CFR 1214.2, and the FHFA *FOIA Reference Guide* at <https://www.fhfa.gov/about/foia-reference-guide> for additional information.

FOR FURTHER INFORMATION CONTACT:

Tiffani Moore, Supervisory Policy Analyst, Tiffani.Moore@fhfa.gov, (202) 649-3304; or Angela Supervielle, Assistant General Counsel, Angela.Supervielle@fhfa.gov, (202) 649-3973 (these are not toll-free numbers); Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. For TTY/TRS users with hearing and speech disabilities, dial 711 and ask to be connected to any of the contact numbers above.

SUPPLEMENTARY INFORMATION:

A. Background

1. Paperwork Reduction Act

Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that ten or more persons

submit information to a third party. Section 3506(c)(2)(A) of title 44 requires Federal agencies to provide a 60-day notice¹ in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection of information to OMB for approval. FHFA's collection of information set forth in this document is titled the “Affordable Housing Program” (assigned control number 2590–0007 by OMB). To comply with the PRA requirement, FHFA is publishing notice of a proposed three-year extension of this collection of information and of the control number.

2. Affordable Housing Program

Section 10(j) of the Federal Home Loan Bank Act (Bank Act) requires FHFA to promulgate regulations under which each of the 11 Federal Home Loan Banks (Banks) must establish an Affordable Housing Program (AHP) to provide subsidy to the Banks' member institutions to finance: (1) homeownership by households with incomes at or below 80 percent of the area median income (low- or moderate-income households); and (2) the purchase, construction, or rehabilitation of rental housing in which at least 20 percent of the units will be occupied by, and affordable for, households with incomes at 50 percent or less of the area median income (very low-income households).² Section 10(j) also establishes standards and requirements for providing such subsidized funding to Bank members and requires each Bank to contribute 10 percent of its previous year's net earnings to its AHP annually, subject to a minimum annual combined contribution by the 11 Banks of \$100 million.³

FHFA's AHP regulation, which implements the statutory AHP requirements, is set forth at 12 CFR part 1291. The regulation requires that each Bank establish and fund an AHP and sets forth the parameters within which the Banks' programs must operate. The regulation permits the Banks a degree of discretion in determining how their individual programs are to be implemented and requires that each Bank adopt an AHP Implementation Plan setting forth the specific requirements for that Bank's program.⁴

¹ Following the close of this notice's 60-day comment period, FHFA will publish a second notice with a 30-day comment period as required by 44 U.S.C. 3507(b) and 5 CFR 1320.10(a).

² See 12 U.S.C. 1430(j)(1) and (2).

³ See 12 U.S.C. 1430(j)(5)(C).

⁴ 12 CFR 1291.13(b).

Competitive Application Programs

The AHP regulation requires each Bank to establish a General Fund, which is a competitive application program under which the Bank accepts applications for AHP subsidized advances or direct subsidies (grants) submitted by its members on behalf of non-member entities having a significant connection to the projects for which subsidy is being sought (project sponsors).⁵ The AHP regulation also authorizes each Bank, in its discretion, to establish up to three Targeted Funds, which are competitive application programs under which funds are targeted to address specific affordable housing needs within the Bank's district that are either unmet, have proven difficult to address through the Bank's General Fund, or align with the objectives identified in the Bank's strategic plan.⁶ Each Bank accepts applications for AHP subsidy under its competitive application program(s) during a specified number of funding periods each year, as determined by the Bank.⁷ A Bank must determine for each application it receives whether the proposed project meets applicable AHP regulatory eligibility requirements.⁸ The Bank must score each application according to AHP regulatory and Bank-specific scoring guidelines, and approve the highest scoring projects within that funding period for AHP subsidy.⁹

The regulation provides that, prior to each disbursement of AHP subsidy for a project approved under a Bank's competitive application program(s), the Bank must verify that the project continues to meet applicable AHP regulatory eligibility requirements, as well as all commitments made in the approved AHP application.¹⁰ As part of this process, Banks typically require that the member and project sponsor provide documentation demonstrating continuing compliance. In the event of project noncompliance, a project sponsor is required to make a reasonable effort to cure the noncompliance within a reasonable period of time.¹¹

⁵ 12 CFR 1291.20(a). Under the regulation, an AHP project sponsor may be an entity that either: (1) has an ownership interest in a rental project; (2) is integrally involved in an owner-occupied project, such as by exercising control over the planning, development, or management of the project, or by qualifying borrowers and providing or arranging financing for the owners of the units; (3) operates a loan pool; or (4) is a revolving loan fund. 12 CFR 1291.1 (definition of “sponsor”).

⁶ 12 CFR 1291.20(b).

⁷ 12 CFR 1291.22(a).

⁸ 12 CFR 1291.22(b)(1).

⁹ 12 CFR 1291.22(c).

¹⁰ 12 CFR 1291.30(c).

¹¹ 12 CFR 1291.60(b)(1).

If the project sponsor cannot cure the noncompliance within a reasonable period of time, the regulation permits a Bank to approve a modification to the terms of an approved application. This modification can change the score that the application received for the funding period in which it was originally scored and approved, as if the changed facts had been in effect at that time.¹² Before a Bank approves a modification: (i) the project, incorporating the changes, must continue to meet the regulatory eligibility requirements; (ii) the application, as reflective of the changes, must continue to score high enough to have been approved in the funding period in which it was originally scored and approved; and (iii) there must be good cause for the modification, and the analysis and justification for the modification must be documented by the Bank in writing.¹³

The regulation requires generally that a Bank monitor owner-occupied and rental projects receiving AHP subsidy under its competitive application program(s) prior to and after project completion.¹⁴ During the initial monitoring period, a Bank must determine whether the project is making satisfactory progress towards completion, in compliance with the commitments made in the approved application, Bank policies, and applicable AHP regulatory requirements.¹⁵ Following project completion, the Bank must determine whether satisfactory progress is being made towards occupancy of the project by eligible households.¹⁶ Within a reasonable period of time after project completion, the Bank must determine whether the project meets applicable AHP regulatory requirements and the commitments made in the approved application.¹⁷ During the long-term 15-year monitoring period for rental projects, subject to certain exceptions in the AHP regulation, the Bank must determine whether the household incomes and rents in the project comply with the income targeting and rent commitments made in the approved application.¹⁸ For both the initial and long-term monitoring, a Bank must review appropriate documentation maintained by the project sponsor.

Homeownership Set-Aside Programs

The AHP regulation also authorizes each Bank, in its discretion, to allocate up to the greater of \$4.5 million or 35 percent of its annual required AHP contribution to establish homeownership set-aside programs for the purpose of promoting homeownership for low- or moderate-income households.¹⁹ Under these homeownership set-aside programs, a Bank provides AHP direct subsidies to its members who, in turn, provide the subsidies as grants to eligible households for down payment, closing cost, counseling cost or rehabilitation assistance in connection with the household's purchase of a primary residence or rehabilitation of an owner-occupied residence.²⁰ Prior to the Bank's disbursement of a direct subsidy under its homeownership set-aside program(s), the member must agree that the subsidy will be provided in compliance with all applicable AHP regulatory eligibility requirements.²¹

AHP Information Submitted by Banks to FHFA

FHFA requires each Bank to submit to FHFA aggregate AHP information. Specifically, each Bank must submit to FHFA project-level information regarding its competitive application program(s) and household-level information regarding its homeownership set-aside program(s) semi-annually. The information the Banks are required to submit to FHFA is derived from the documentation submitted by Bank members and project sponsors that is described above.

B. Need for and Use of the Information Collection

The Banks use the AHP information collected from Bank members and project sponsors to determine whether: (1) projects for which Bank members and project sponsors are seeking subsidies under the Banks' competitive application programs satisfy the applicable statutory and regulatory requirements and score highly enough in comparison with other applications submitted during the same funding period to be approved for AHP subsidies; (2) projects approved under the Banks' competitive application programs continue to meet the applicable AHP regulatory requirements and comply with the commitments made in the approved applications each time AHP subsidy is disbursed by the Banks, through their members, to the

project sponsors; (3) requests for modifications of projects approved under the Banks' competitive application programs meet the AHP regulatory requirements for approval; (4) during the initial monitoring period, projects approved under the Banks' competitive application programs are making satisfactory progress towards completion, are making satisfactory progress towards occupancy of the projects by eligible households after completion, and, within a reasonable period of time after completion, are in compliance with the commitments made in the approved applications, Bank policies, and applicable AHP regulatory requirements; (5) during the long-term 15-year monitoring period, completed rental projects continue to comply with the household income targeting and rent commitments made in the approved applications; and (6) applications for direct subsidy under Banks' homeownership set-aside programs were approved, and the direct subsidies disbursed, in accordance with applicable AHP regulatory requirements.

FHFA uses the information to verify that the Banks' funding decisions, and the uses of the funds awarded, were consistent with statutory and regulatory requirements.

C. Burden Estimate

FHFA has analyzed each of the six facets of this information collection to estimate the hour burdens that the collection will impose upon Bank members and AHP project sponsors annually over the next three years. Based on that analysis, FHFA estimates that the total annual hour burden will be 106,784. The method FHFA used to determine the annual hour burden for each facet of the information collection is explained in detail below.

I. AHP Competitive Applications Submissions

FHFA estimates that Bank members, on behalf of project sponsors, will submit to the Banks an annual average of 1,176 applications for AHP subsidies under the Banks' competitive application programs, and that the average preparation time for each application will be 24 hours. The estimate for the total annual hour burden on members and project sponsors in connection with the preparation and submission of AHP competitive applications is, therefore, 28,224 hours (1,176 applications × 24 hours).

¹² 12 CFR 1291.60(b)(2).

¹³ 12 CFR 1291.29(a).

¹⁴ 12 CFR 1291.50.

¹⁵ 12 CFR 1291.50(a)(1)(i).

¹⁶ 12 CFR 1291.50(a)(1)(iii).

¹⁷ 12 CFR 1291.50(a)(2).

¹⁸ 12 CFR 1291.50(c)(1).

¹⁹ 12 CFR 1291.12(b); 1291.40.

²⁰ 12 CFR 1291.42(d).

²¹ 12 CFR 1291.15(a).

II. Compliance Submissions for Approved Competitive Application Projects at AHP Subsidy Disbursement

FHFA estimates that Bank members, on behalf of project sponsors, will make an annual average of 325 submissions to the Banks documenting that projects approved under the Banks' competitive application programs continue to comply with the AHP regulatory eligibility requirements and all commitments made in the approved AHP applications at the time each AHP subsidy is disbursed to the project sponsors, and that the average preparation time for each submission will be 1 hour. The estimate for the total annual hour burden on members and project sponsors in connection with the preparation and submission of these compliance submissions is, therefore, 325 hours (325 submissions $\times$ 1 hour).

III. Modification Requests for Approved Competitive Application Projects

FHFA estimates that Bank members, on behalf of project sponsors, will submit to the Banks an annual average of 299 requests for modifications to projects that have been approved under the Banks' competitive application programs, and that the average preparation time for each request will be 2.5 hours. The estimate for the total annual hour burden on members and project sponsors in connection with the preparation and submission of these modification requests, therefore, is 748 hours (299 requests $\times$ 2.5 hours).

IV. Initial Monitoring Submissions for Approved Competitive Application Projects

FHFA estimates that project sponsors will make an annual average of 249 submissions of documentation to the Banks for purposes of the Banks' initial monitoring of in-progress and recently completed projects approved under their competitive application programs, and that the average preparation time for each submission will be 5 hours. The estimate for the total annual hour burden on project sponsors in connection with the preparation and submission of documentation required for initial monitoring of competitive application projects is, therefore, 1,245 hours (249 submissions $\times$ 5 hours).

V. Long-Term Monitoring Submissions for Completed Competitive Application Rental Projects

FHFA estimates that project sponsors will make an annual average of 2,989 submissions of documentation to the Banks for purposes of the Banks' long-term monitoring of completed rental projects approved under their

competitive application programs, and that the average preparation time for each submission will be 3 hours. The estimate for the total annual hour burden on project sponsors in connection with the preparation and submission of documentation required for long-term monitoring of completed competitive application rental projects is, therefore, 8,967 hours (2,989 submissions $\times$ 3 hours).

VI. Homeownership Set-Aside Program Applications and Certifications

FHFA estimates that Bank members will submit to the Banks an annual average of 13,455 applications and required certifications for AHP direct subsidies under the Banks' homeownership set-aside programs, and that the average preparation time for those submissions will be 5 hours. The estimate for the total annual hour burden on members in connection with the preparation and submission of homeownership set-aside program applications and certifications is, therefore, 67,275 hours (13,455 applications/certifications $\times$ 5 hours).

D. Public Comments Request

FHFA requests written comments on the following: (1) Whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on members and project sponsors, including through the use of automated collection techniques or other forms of information technology.

Shawn Bucholtz,

Chief Data Officer, Federal Housing Finance Agency.

[FR Doc. 2025–20123 Filed 11–17–25; 8:45 am]

BILLING CODE 8070–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreement to the Secretary by email at Secretary@fmc.gov, or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if

received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission's website (www.fmc.gov) or by contacting the Office of General Counsel at (202)–523–5740 or GeneralCounsel@fmc.gov. Agreement No.: 201234–008.

Agreement Name: Agreement by Ocean Common Carriers to Participate on the Exchange Board.

Parties: CMA CGM SA; Hapag-Lloyd AG; HMM Company Limited; Maersk A/S; Ocean Network Express Pte. Ltd. (ONE); and ZIM Integrated Shipping Services Ltd.

Filing Party: Ashley Craig; Venable LLP.

Synopsis: The Amendment removes MSC Mediterranean Shipping Company S.A. as a participating member.

Proposed Effective Date: 11/13/2025.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/2064>.

Agreement No.: 201459.

Agreement Name: MLL/HLUSA

MECL Space Charter Agreement.

Parties: Maersk Line, Limited; and Hapag-Lloyd USA, LLC.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The Agreement authorizes Maersk Line, Limited to charter space to Hapag-Lloyd USA in the trade between ports on the U.S. East Coast on the one hand and ports in India and the United Arab Emirates on the other hand.

Proposed Effective Date: 11/13/2025.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/89634>.

Dated: November 14, 2025.

Jennifer Everling,

Assistant Secretary.

[FR Doc. 2025–20228 Filed 11–17–25; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as

other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjami W. McDonough, Deputy Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than December 3, 2025.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001. Comments can also be sent electronically to KCAApplicationComments@kc.frb.org:

1. *David J. Mann Family Trust, David J. Mann, as trustee; Barrett David Mann Gift Trust, Shane A. Mann, as trustee; and Carson Gale Mann Gift Trust, Shane A. Mann, as trustee, all of Quinter, Kansas; Reid Richard Crouse Gift Trust, Tara J. Mann Crouse, as trustee, both of Colby, Kansas; Quincy Caroline Mann Gift Trust, Tracey R. Mann, as trustee; David Austin Mann Gift Trust, Tracey R. Mann, as trustee; Whitney Beata Mann Gift Trust, Tracey R. Mann, as trustee; and Elizabeth Lorraine Mann Gift Trust, Tracey R. Mann, as trustee, all of Salina, Kansas, to join the Floyd Family Group, a group acting in concert, to acquire voting shares of Legacy Financial, Inc., Johnson, Kansas, and thereby indirectly acquire voting shares of Dream First Bank, National Association, Syracuse, Kansas.*

Board of Governors of the Federal Reserve System.

Erin Cayce,

Assistant Secretary of the Board.

[FR Doc. 2025–20195 Filed 11–17–25; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

[Docket No. OP–1871]

Request for Comment on Scenarios for the Board's 2026 Supervisory Stress Test

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is seeking comment on the proposed scenarios for the Board's 2026 supervisory stress tests.

DATES: Comments must be received on or before December 1, 2025.

ADDRESSES: You may submit comments, identified by Docket No. OP–1871, 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:* Ann E. Misback, Secretary, 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 docket 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 that would be not 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.

FOR FURTHER INFORMATION CONTACT:

Doriana Ruffino, Assistant Director, (202) 452–5235, Hillel Kipnis, Assistant Director, (202) 452–2924, John Simone, Lead Financial Institution Policy Analyst, (202) 245–4256, Division of Supervision and Regulation; William Bassett, Senior Associate Director, (202) 736–5644, Bora Durdu, Deputy Associate Director, (202) 452–3755, Elena Afanasyeva, Principal Economist, (202) 736–1971, Levent Altinoglu,

Principal Economist, (202) 721–4503, and Sam Jerow, Senior Financial Analyst, (202) 245–4299, Division of Financial Stability; Asad Kudiya, Associate General Counsel, (202) 360–6887, Julie Anthony, Senior Special Counsel, (202) 658–9400, Brian Kesten, Senior Counsel, (202) 843–4079, and Tara Hofbauer, Senior Attorney (202) 680–2503, Legal Division. Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551. For users of TDD–TTY, please call 711 from any telephone, anywhere in the United States. Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The supervisory stress tests conducted annually by the Board of Governors of the Federal Reserve System (Board) help ensure that large banks are able to lend to households and businesses even in a severe recession. The stress tests evaluate the financial resilience of large banks by estimating bank losses, revenues, expenses, and resulting capital levels—which provide a cushion against losses—under hypothetical recession scenarios into the future.¹ The Board uses the results of a stress test, in part, to set large bank capital requirements.

To enhance the transparency of the annual stress tests and to seek public feedback, the Board is inviting comment on the proposed stress test scenarios for the 2026 supervisory stress test. These proposed scenarios, as well as supporting models and data, are available on the Board's website: <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>.

Separately, the Board is seeking comment on an enhanced disclosure process under which the Board would publish and seek comment on the scenarios by October 15 of each year.

By order of the Board of Governors of the Federal Reserve System.

Benjamin W. McDonough,
Deputy Secretary of the Board.

[FR Doc. 2025–20212 Filed 11–17–25; 8:45 am]

BILLING CODE 6210–01–P

¹ U.S. bank holding companies (BHCs), covered savings and loan holding companies (SLHCs), and intermediate holding companies of foreign banking organizations (IHCs) with \$100 billion or more in assets are subject to the Board's supervisory stress test rule (12 CFR part 238, subpart O; 12 CFR part 252, subpart E) and capital planning requirements (12 CFR 225.8; 12 CFR 238.170). In addition, certain BHCs, SLHCs, IHCs, and state member banks must comply with the Board's company-run stress test rules (12 CFR part 238, subpart P; and 12 CFR part 252, subparts B and F).

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than December 18, 2025.

A. Federal Reserve Bank of Atlanta (Erien O. Terry, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to Applications.Comments@atl.frb.org:

1. *SB Financial, Inc., Mount Juliet, Tennessee*; to become a bank holding company by acquiring Southern Bank of Tennessee, Mount Juliet, Tennessee.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414.

Comments can also be sent electronically to

Comments.applications@chi.frb.org:

1. *Horicon Bank Profit Sharing and Employee Stock Ownership Plan, Horicon, Wisconsin*; to become a bank holding company by acquiring 25.85 percent of the voting shares of Sword Financial Corporation, and thereby indirectly acquiring voting shares of Horicon Bank, both of Horicon, Wisconsin.

C. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166-2034. Comments can also be sent electronically to

Comments.applications@stls.frb.org:

1. *Bradford Bancorp, Inc., Greenville, Illinois*; to acquire State Bank of St. Jacob, St. Jacob, Illinois.

D. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001. Comments can also be sent electronically to KCApplicationComments@kc.frb.org:

1. *Baldwin Bancshares, Inc. Baldwin City, Kansas*; to become a bank holding company by acquiring The Baldwin State Bank, Baldwin City, Kansas.

Board of Governors of the Federal Reserve System.

Erin Cayce,

Assistant Secretary of the Board.

[FR Doc. 2025-20196 Filed 11-17-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS-10106]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public

comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by December 18, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment.

1. *Type of Information Collection Request:* Revision of a currently

approved collection; *Title of Information Collection:* Medicare Authorization to Disclose Personal Health Information; *Use:* The Medicare Authorization to Disclose Personal Health Information will be used by Medicare beneficiaries to authorize Medicare to disclose their protected health information to a third party. Medicare beneficiaries can submit the Medicare Authorization to Disclose Personal Health Information electronically at *Medicare.gov*. Beneficiaries may also submit the Medicare Authorization to Disclose Personal Health Information by mailing a complete and valid authorization form to Medicare. Beneficiaries can submit the Medicare Authorization to Disclose Personal Health Information verbally over the phone by calling 1–800–Medicare. *Form Number:* CMS–10106 (OMB Control number: 0938–0930); *Frequency:* Occasionally; *Affected Public:* Individuals or Households; *Number of Respondents:* 1,000,000; *Total Annual Responses:* 1,000,000; *Total Annual Hours:* 250,000. (For policy questions regarding this collection contact Samuel Jenkins at 410–786–3261.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025–20073 Filed 11–17–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; Matching Program

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Notice of a new matching program.

SUMMARY: In accordance with subsection (e)(12) of the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is providing notice of the re-establishment of a matching program between CMS and State-Based Administering Entities (AEs), titled “Determining Eligibility for Enrollment in Applicable State Health Subsidy Programs Under the Patient Protection and Affordable Care Act.”

DATES: The deadline for comments on this notice is December 18, 2025. The re-established matching program will commence not sooner than 30 days after

publication of this notice, provided no comments are received that warrant a change to this notice. The matching program will be conducted for an initial term of 18 months (from approximately October 2025 to March 2027) and, within three months of expiration, may be renewed for up to one additional year if the parties make no changes to the matching program and certify that the program has been conducted in compliance with the matching agreement.

ADDRESSES: Interested parties may submit written comments on this notice to the CMS Privacy Act Officer by mail at: Division of Security, Privacy Policy & Governance, Information Security & Privacy Group, Office of Information Technology, Centers for Medicare & Medicaid Services, Location: N1–14–56, 7500 Security Blvd., Baltimore, MD 21244–1850, or by email at *Barbara.Demopulos@cms.hhs.gov*.

FOR FURTHER INFORMATION CONTACT: If you have questions about the matching program, you may contact: Robert Yates, Deputy Director, Division of State and Grant Operations, State Marketplace and Insurance Programs Group, Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services, 7500 Security Blvd., Baltimore, MD 21224, or by email to *Robert.Yates@cms.hhs.gov*, or Jenny Chen, Director, Division of State Technical Assistance, State Marketplace and Insurance Programs Group, Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services, 7501 Wisconsin Ave., Bethesda, MD 20814, or by email to *Jenny.Chen@cms.hhs.gov*.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, as amended (5 U.S.C. 552a) provides certain protections for individuals applying for and receiving federal benefits under federal benefit programs. The law governs the use of computer matching by federal agencies when records in a system of records (meaning, federal agency records about individuals retrieved by name or other personal identifier) are matched with records of other federal or non-federal agencies. The Privacy Act requires agencies involved in a matching program to:

1. Enter into a written agreement, which must be prepared in accordance with the Privacy Act, approved by the Data Integrity Board of each source and recipient federal agency, provided to Congress and the Office of Management and Budget (OMB), and made available to the public, as required by 5 U.S.C. 552a(o), (u)(3)(A), and (u)(4).

2. Notify the individuals whose information will be used in the matching program that the information they provide is subject to verification through matching, as required by 5 U.S.C. 552a(o)(1)(D).

3. Verify match findings before suspending, terminating, reducing, or making a final denial of an individual's benefits or payments or taking other adverse action against the individual, as required by 5 U.S.C. 552a(p).

4. Report the matching program to Congress and the Office of Management and Budget (OMB), in advance and annually, as required by 5 U.S.C. 552a(o)(2)(A)(i), (r), and (u)(3)(D).

5. Publish advance notice of the matching program in the **Federal Register** as required by 5 U.S.C. 552a(e)(12).

This matching program meets these requirements.

Barbara Demopulos,

Privacy Act Officer, Division of Security, Privacy Policy and Governance, Office of Information Technology, Centers for Medicare & Medicaid Services.

PARTICIPATING AGENCIES:

The agencies participating in the matching program are the Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS), and State-Based Administering Entities (AEs). Currently, each of the 50 states, the District of Columbia, and Puerto Rico has one or more AE(s) participating in this matching program. Other U.S. territories may eventually participate. Each party (CMS and each participating AE) is a source agency, and each AE is a recipient agency, in this matching program, as explained in the Purpose(s) section below.

AEs administer insurance affordability programs, and include Medicaid/Children's Health Insurance Program (CHIP) agencies, state-based exchanges (SBEs), and basic health programs (BHPs). In states that operate a SBE, the AE would include the Medicaid/CHIP agency. Additionally, there are two states—Minnesota and New York—where the AE operates as both a SBE and BHP. In states that have elected to utilize the federally-facilitated exchange (FFE), the AE would include only the Medicaid/CHIP agency.

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

The principal authority for conducting the matching program is 42 U.S.C. 18001, *et seq.*

PURPOSE(S):

The matching program will enable CMS to provide information (including information CMS receives from other federal agencies under related matching agreements) to AEs, to assist AEs in verifying applicant information as required by the Patient Protection and Affordable Care Act of 2010 (PPACA) to determine applicants' eligibility for enrollment in applicable state health subsidy programs, including exemption from the requirement to maintain minimum essential coverage (MEC) or from the individual responsibility payment. In addition, to avoid dual enrollment, information will be shared between CMS and AEs, and among AEs, for the purpose of verifying whether applicants and enrollees are currently eligible for or enrolled in a Medicaid/CHIP program. All information will be shared through a data services hub (Hub) established by CMS to support the federally-facilitated health insurance exchange (which CMS operates) and state-based exchanges.

CATEGORIES OF INDIVIDUALS:

The individuals whose information will be used in the matching program are consumers who apply for eligibility to enroll in applicable state health insurance subsidy programs through an exchange established under the PPACA and other relevant individuals (such as, applicants' household members).

CATEGORIES OF RECORDS:

The categories of records that will be used in the matching program are identifying records; minimum essential coverage period records; return information (household income and family size information); citizenship status records; birth and death information; disability coverage and income information; and imprisonment status records.

The data elements CMS will receive from AEs may include: Social Security Number (if applicable), Last Name, First Name, and Date of Birth.

The data elements the AEs will receive from CMS may include: Validation of SSN; Verification of citizenship or immigration status; Incarceration status; Eligibility and/or enrollment in certain types of MEC; Income, based on Federal Tax Information (FTI), Title II benefits, and current income sources; Quarters of Coverage; and Death Indicator.

SYSTEM(S) OF RECORDS:

The records that CMS will disclose to AEs will be disclosed from the following system of records, as authorized by routine uses 2 and 3

published in the System of Records Notice (SORN) cited below:

CMS Health Insurance Exchanges System (HIX), CMS System No. 09–70–0560, last published in full at 78 FR 63211 (Oct. 23, 2013), as amended at 83 FR 6591 (Feb. 14, 2018).

[FR Doc. 2025–20058 Filed 11–17–25; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–1385]

Patient-Focused Drug Development: Selecting, Developing, or Modifying Fit-for-Purpose Clinical Outcome Assessments; Guidance for Industry, Food and Drug Administration Staff, and Other Stakeholders; 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, FDA staff, and other stakeholders entitled “Patient-Focused Drug Development: Selecting, Developing, or Modifying Fit-for-Purpose Clinical Outcome Assessments.” This guidance (Guidance 3) is the third in a series of four methodological patient-focused drug development (PFDD) guidance documents that describe how stakeholders (patients, researchers, medical product developers, and others) can submit patient experience and other relevant information from patients and caregivers to be used for medical product development and regulatory decision-making. This guidance finalizes the draft guidance of the same title issued on June 30, 2022.

DATES: The announcement of the guidance is published in the **Federal Register** on November 18, 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–1385 for “Patient-Focused Drug Development: Selecting, Developing, or Modifying Fit-for-Purpose Clinical Outcome Assessments; Guidance for Industry, Food and Drug Administration Staff, and Other Stakeholders.” 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: Ethan Gabbour, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6306, Silver Spring, MD 20993–0002, 301–796–8112, Ethan.Gabbour@fda.hhs.gov; or Phillip Kurs, Center for Biologics Evaluation and Research, Food and Drug Administration, 240–402–7911, or the Office of Strategic Partnerships and Technology Innovation, Center for Devices and Radiological Health, cdhr-pro@fda.hhs.gov, 800–638–2041 or 301–796–7100.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry, FDA staff, and other stakeholders entitled “Patient-Focused Drug Development: Selecting, Developing, or Modifying Fit-for-

Purpose Clinical Outcome Assessments.” This guidance (Guidance 3) is the third in a series of four methodological PFDD guidance documents that describe how stakeholders (patients, researchers, medical product developers, and others) can collect and submit patient experience data and other relevant information from patients and caregivers to be used for medical product development and regulatory decision-making. For purposes of this guidance a “medical product” refers to a drug (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) intended for human use, a device (as defined in such section 201) intended for human use, or a biological product (as defined in section 351 of the Public Health Service Act (42 U.S.C. 262)).

The series of guidance documents is intended to facilitate the advancement and use of systematic approaches to collect and use robust and meaningful patient and caregiver input that can more consistently inform medical product development and regulatory decision-making. Guidance 3 discusses approaches to selecting, modifying, developing, and evaluating clinical outcome assessments to measure outcomes of importance to patients in clinical trials.

This guidance finalizes the draft guidance entitled “Patient-Focused Drug Development: Selecting, Developing, or Modifying Fit-for-Purpose Clinical Outcome Assessments” issued on June 30, 2022 (87 FR 39101). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to final guidance included the following: clarification of the relationships between relevant terminology, reformulation of the conceptual framework into a description of the COA-based endpoint approach, addition of clarifying language on the importance of qualitative data and patient input, updates to the evidence-based rationale, updated references that reflect the state of science, and moving content that was more relevant to COA-based endpoints to PFDD Guidance 4: “Incorporating Clinical Outcome Assessments into Endpoints for Regulatory Decision Making.” In addition, editorial changes were made to improve flow and clarity.

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 “Patient-Focused Drug Development: Selecting, Developing, or Modifying Fit-for-

Purpose Clinical Outcome Assessments.” 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). This guidance refers to collections of information from “individuals under treatment or clinical examination in connection with research,” which are not subject to review by the Office of Management and Budget (OMB) under 5 CFR 1320.3(h)(5). Respondents submit to FDA collections of information to support the medical product’s effectiveness and to support claims in approved medical labeling.

The collections of information for 21 CFR part 812 for investigational device exemptions have been approved under OMB control number 0910–0078 and the collections of information in 21 CFR part 814 subpart H for humanitarian use devices have been approved under OMB control number 0910–0332. The collections of information in 21 CFR part 814, subparts A through E for premarket approval applications have been approved under OMB control number 0910–0231. The collections of information in 21 CFR part 807, subpart E for premarket notifications have been approved under OMB control number 0910–0120 and the collections of information in 21 CFR 860, subpart D for De Novo classifications have been approved under OMB control number 0910–0844. The collections of information described in FDA’s guidance entitled “Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program” have been approved under OMB control number 0910–0756. The collections of information in 21 CFR part 822 for postmarket surveillance have been approved under OMB control number 0910–0449.

The collections of information in 21 CFR parts 314.50, 314.26, and 601.2 are submitted to FDA to support the medical product’s effectiveness and to support claims in approved medical product labeling. The collections of information have been approved under OMB control numbers 0910–0001 and 0910–0338. The collections of

information in 21 CFR 312.23 regarding investigational new drug applications, including clinical trial design and study protocols, have been approved under OMB control number 0910–0014. The collections of information in 21 CFR parts 50 and 56 regarding institutional review boards and the protection of human subjects have been approved under OMB control number 0910–0130. The collections of information in 21 CFR part 11 regarding electronic records and signatures have been approved under OMB control number 0910–0303. The collections of information described in FDA’s guidance entitled “Formal Meetings Between the FDA and Sponsors or Applicants of PDUFA Products” (<https://www.fda.gov/media/109951/download>) have been approved under OMB control number 0910–0429.

III. Additional Information

Section 3002 of Title III, Subtitle A, of the 21st Century Cures Act (Pub. L. 114–255) directs FDA to develop patient-focused drug development guidance to address a number of areas, including under section 3002(c)(2): Methodological approaches that may be used to develop and identify what is important to patients with respect to burden of disease, burden of treatment, and the benefits and risks in the management of the patient’s disease.

In addition, FDA committed to meet certain performance goals under the sixth authorization of the Prescription Drug User Fee Act. These goal commitments were developed in consultation with patient and consumer advocates, healthcare professionals, and

other public stakeholders, as part of negotiations with regulated industry. Section I.J.1 of the commitment letter “Enhancing the Incorporation of the Patient’s Voice in Drug Development and Decision-Making” (<https://www.fda.gov/media/99140/download>) outlines work, including the development of a series of guidance documents and associated public workshops to facilitate the advancement and use of systematic approaches to collect and utilize robust and meaningful patient and caregiver input that can more consistently inform drug development, and, as appropriate, regulatory decision-making.

IV. 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/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances>, or <https://www.regulations.gov>.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–20153 Filed 11–17–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Supplemental Funding; Rural Residency Planning and Development Technical Assistance

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of supplemental funding.

SUMMARY: HRSA provided supplemental funds to the Rural Residency Planning and Development (RRPD–TA) recipient under HRSA–25–008 to provide additional technical assistance on rural residency program development and support the improvement of health care in rural areas.

FOR FURTHER INFORMATION CONTACT:

Jason Steele, RRPD Program Coordinator, Federal Office of Rural Health Policy, HRSA, at ruralresidency@hrsa.gov and 301–443–2203.

SUPPLEMENTARY INFORMATION:

Recipient of the Award: The University of North Carolina at Chapel Hill.

Amount of Non-Competitive Award: One award for \$600,000.

Project Period: September 30, 2025, to September 29, 2030.

Assistance Listing Number: 93.155.

Award Instrument: Cooperative Agreement Supplement.

Authority: Section 711(b)(5) of the Social Security Act (42 U.S.C. 912(b)(5)).

TABLE 1—RECIPIENT AND AWARD AMOUNT

Grant No.	Award recipient name	City, state	Supplemental award amount
UK6RH32513	University of North Carolina at Chapel Hill	Chapel Hill, NC	\$600,000

Justification: This funding provides a one-time supplement to the University of North Carolina at Chapel Hill through the RRPD–TA Cooperative Agreement. This supplement will allow the University of North Carolina at Chapel Hill to build on past and ongoing projects supported by HRSA to support health care in rural areas by providing additional technical assistance to developing and recently established rural residency programs. The University of North Carolina at Chapel Hill is the recipient of the only award under the RRPD–TA program and has established relationships with rural stakeholders and has longstanding experience developing resources to

support development of rural residency programs. The supplement to the RRPD–TA Cooperative Agreement will allow the University of North Carolina at Chapel Hill to provide additional technical assistance tools and resources to create and sustain new rural residency programs that will expand the rural physician workforce.

Thomas J. Engels,

Administrator.

[FR Doc. 2025–20094 Filed 11–17–25; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the NIH Sleep Disorders Research Advisory Board (SDRAB).

The meeting will be held as a virtual meeting and will be open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the

meeting, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Sleep Disorders Research Advisory Board.

Date: December 4, 2025.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: The purpose of this meeting is to seek guidance and gather input from the Sleep Disorders Research Advisory Board on research priorities conducted or supported by the Institute; and to continue discussions on the topics for the NIH Sleep Research Plan refresh.

Place: National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Suite 407B, Bethesda, MD 20814.

Meeting Format: Virtual.

Contact Person: Marishka Brown, Ph.D., SDRAB Executive Secretary, Director, National Center on Sleep Disorders Research, National Institutes of Health, National Heart, Lung, and Blood Institute, 6705 Rockledge Drive, Suite 407B Bethesda, Maryland 20814, 301-435-0199, ncsdr@nih.gov.

The event is free and open to the public. Registration is required to attend this meeting. To register, please use <https://events.gcc.teams.microsoft.com/event/e04b4902-7697-417c-bd4e-a94ffe956202@14b77578-9773-42d5-8507-251ca2dc2b06>.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the <https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/sleep-disorders-research>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: November 14, 2025.

Denise A. Santeufemio,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-20130 Filed 11-17-25; 8:45 am]

BILLING CODE 414-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, PAR-22-180: Maximizing Investigators Research Award (MIRA), November 06, 2025, 09:30 a.m. to November 07, 2025, 06:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on August 14, 2025, 90 FR 39205, Doc No. 2025-15430.

This meeting is being amended to change the date from November 6-7, 2025, to November 6, 2025. The meeting is closed to the public.

Dated: September 30, 2025.

Sterlyn H Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-20125 Filed 11-17-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2010-1066]

Recreational Boating Safety Projects, Programs, and Activities Funded Under Provisions of the Infrastructure Investment and Jobs Act; Fiscal Year 2025

ACTION: Notice.

SUMMARY: The Coast Guard is publishing this notice to satisfy a requirement of the Infrastructure Investment and Jobs Act that requires a detailed accounting of the projects, programs, and activities funded under the national recreational boating safety program provision of the Act to be published annually in the **Federal Register**. This notice specifies the funding amounts the Coast Guard has committed, obligated, or expended

during fiscal year 2025, as of September 30, 2025.

FOR FURTHER INFORMATION CONTACT: For questions on this notice please contact Mr. Jeffery Decker, U.S. Coast Guard, Regulations Development Manager, (571) 607-8235 or <mailto:RBSInfo@uscg.mil>.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Since 1998, Congress has passed a series of laws providing funding for projects, programs, and activities funded under the national recreational boating safety program, which is administered by the U.S. Coast Guard. On November 15, 2021, the Infrastructure Investment and Jobs Act (Pub. L. 117-58, Sec. 28001) set aside funding for Coast Guard administration, which for fiscal year 2025 was \$15.408 million. Of that, not less than \$2.1 million shall be made available to ensure compliance with Chapter 43 of Title 46, U.S. Code, and not more than \$1.5 million is available to conduct by grant or contract a survey of levels of recreational boating participation and related matters in the United States.

These funds are available to the Secretary from the Sport Fish Restoration and Boating Trust Fund ("Trust Fund") established under 26 U.S.C. 9504(a) for payment of Coast Guard expenses for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program. Amounts made available under this subsection remain available during the two succeeding fiscal years. Any amount that is unexpended or unobligated at the end of the three-year period during which it is available shall be withdrawn by the Secretary and allocated to the States in addition to any other amounts available for allocation in the fiscal year in which they are withdrawn or the following fiscal year.

Use of these funds requires compliance with standard Federal contracting rules with associated lead and processing times resulting in a lag time between available funds and spending.

Specific Accounting of Funds

The total amount of funding transferred to the Coast Guard from the Sport Fish Restoration and Boating Trust Fund and committed, obligated, and/or expended during fiscal year 2025 for each project is shown in the chart below.

Project	Description	Cost
46 U.S.C. 43 Compliance: Inspection Program/ Boat Testing Program.	Provided for continuance of the national recreational boat compliance inspection program, which began in January 2001.	\$2,553,042
46 U.S.C. 43 Compliance: Staff Salaries	Provided for 3 personnel to oversee manufacturer compliance with 46 U.S.C. 43 requirements.	671,583
46 U.S.C. 43 Compliance: Staff Travel	Provided for travel by employees of the Boating Safety Division to oversee manufacturer compliance with 46 U.S.C. 43 requirements.	47,936
Administrative Overhead	Provided for supplies and Materials to support the RBS Program	61,969
Boating Accident Report Database (BARD) Web System.	Provided for maintaining the BARD Web System, which enables reporting authorities in the 50 States, five U.S. Territories, and the District of Columbia to submit their accident reports electronically over a secure Internet connection.	518,244
National Boating Safety Advisory Committee	Provided for travel performed by NBSAC members, meeting room costs and administrative costs to support the NBSAC.	0.00
Contract Personnel Support	Provided contract personnel to conduct boating safety-related research and analysis.	1,288,584
Grant Management Training	Provided to facilitate staff training on new grant management requirements.	8,257
Recreational Boating Safety Program Travel	Provided for travel by employees of the Boating Safety Division to gather background and planning information for new recreational boating safety initiatives.	78,775
Reimbursable Salaries	Provided for 16 personnel directly related to coordinating and carrying out the national recreational boating safety program.	3,573,270
National Recreational Boating Survey	Provided for collecting data to support the National Recreational Boating Survey.	1,500,000

Of the \$15.408 million made available to the Coast Guard in fiscal year 2025, \$0 has been committed, obligated, or expended. An additional \$10.302 million of prior fiscal year funds have been committed, obligated, or expended as of September 30, 2025. The remainder of the FY24 and FY25 funds made available to the Coast Guard (approximately \$22.065 million) may be retained for the allowable period for the National Recreational Boating Survey, the expected reengineering of the Boating Accident and Reporting Database, and other projects, or it may be transferred into the pool of money available for allocation through the state grant program.

Authority

This notice is issued pursuant to 5 U.S.C. 552 and 46 U.S.C. 13107(c)(4).

Dated: November 12, 2025.

Robert C. Compber,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2025–20221 Filed 11–17–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2025–0348]

Cooperative Research and Development Agreement: Uncrewed Surface Vessels (USVs) for Maritime Safety and Security Operations

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent; request for comments.

SUMMARY: The Coast Guard is announcing its intent to enter into a Cooperative Research and Development Agreement (CRADA) with Saronic Technologies, Inc. to research the potential of Uncrewed Surface Vessels (USVs) for maritime safety and security missions in extended offshore operations. The Coast Guard is seeking public comment on this proposed partnership and potential involvement from other parties. In addition, the Coast Guard also invites other potential non-Federal participants, who have the interest and capability to bring similar contributions to this type of research, to consider submitting proposals for consideration in similar CRADAs.

DATES: Your comments and related material must reach the Coast Guard on or before December 18, 2025.

ADDRESSES: You may submit comments identified by docket number USCG–2025–0348 using the Federal portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of intent, call or email Derek Meier, Principal Investigator, Autonomy Branch, U.S. Coast Guard Research and Development Center, 1 Chelsea Street, New London, CT 06320, telephone 860–271–2600, email RDC-info@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COLREG Convention on the International Regulations for Preventing Collisions at Sea
CRADA Cooperative Research and Development Agreement
DHS Department of Homeland Security
POC Proof of Concept
TTP Tactics, Techniques, and Procedures
USV Uncrewed Surface Vessel
U.S.C.G. United States Coast Guard
U.S.C. United States Code

II. Background and Purpose

The Coast Guard is working to determine the performance, reliability, integration, and mission impacts of deploying autonomous USV platforms. This effort will evaluate the advantages, disadvantages, required technology enhancements, and mission benefits of integrating collaborative USVs in offshore operations covering territorial waters and the Exclusive Economic Zone (EEZ), utilizing commercially available USVs. Through this POC, the Coast Guard also seeks to develop information representative of future USCG TTPs to better inform USV mission integration in the context of maritime security and safety operations.

III. Public Participation and Request for Comments

We request public comments on this notice. Although we do not plan to respond to comments in the **Federal Register**, we will respond directly to commenters and may modify our proposal in light of comments.

We encourage you to submit comments in response to this notice of inquiry through the Federal Document

Management System at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2025–0348 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. In your submission, please include the docket number for this notice of inquiry and provide a reason for each suggestion or recommendation. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page.

We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

IV. Discussion

CRADAs are authorized under 15 U.S.C. 3710a.¹ A CRADA promotes the transfer of technology to the private sector for commercial use, as well as specified research or development efforts that are consistent with the mission of the Federal parties to the CRADA. The Federal party or parties agree with one or more non-Federal parties to share research resources, but the Federal party does not contribute funding.

CRADAs are not procurement contracts. Care is taken to ensure that CRADAs are not used to circumvent the contracting process. CRADAs have a specific purpose and should not be confused with procurement contracts, grants, and other types of agreements.

Under the proposed CRADA, the U.S. Coast Guard Research and Development Center (R&D Center) will collaborate with one non-Federal participant. Together, the R&D Center and the non-Federal participant will execute testing that will evaluate the advantages, disadvantages, required technology enhancements, and mission benefits of USV deployments in extended offshore operations performing maritime safety and security mission sets. This testing

will evaluate the ability for multi-USV mission planning and execution from a single command and control interface.

This is a technology assessment effort. The goal for this CRADA is to work with an industry partner to develop a better understanding of the performance, reliability, integration, and mission impact of deploying autonomous collaborative USV platforms.

This could include the following:

1. USVs that are readily available for testing and operational evaluation.
2. Command/control systems for USV platforms.
3. Command/control or other systems to develop uncrewed systems teaming.
4. Autonomy systems for collision avoidance and Convention on the International Regulations for Preventing Collisions at Sea (COLREG) compliance.
5. Network connectivity solutions for uncrewed surface platforms.

We anticipate that the Coast Guard’s contributions under the proposed CRADA will include the following:

1. Provide staff with the expertise to support the tasks.
2. Provide resources and travel for the Coast Guard staff that support this CRADA.
3. Write a test plan in collaboration with the non-Federal participant.
4. Secure approvals for field test events, per test plans, as appropriate.
5. Provide sufficient crew, planning, and coordination to execute the testing in accordance with the agreed upon test plan.
6. Ship the necessary parts, tools, and equipment to facilitate testing or operational evaluations.
7. Coordinate participating USCG units and government stakeholders.
8. Execute agreed upon test plan.
9. Write a report in collaboration with the non-Federal participant.

We anticipate that the non-Federal participant’s contributions under the proposed CRADA will include the following:

1. Provide staff with the expertise to support the tasks.
2. Provide test assets for fielding in mutually agreed upon test area.
3. Provide all support resources, including travel, for Saronic Technologies, Inc. staff who support this CRADA, if required.
4. Review test plan.
5. Provide the technology, technical data, and other technical considerations for any systems to be utilized under this CRADA.
6. Provide the technical data for all equipment, including dimensions, weight, power requirements, and other technical considerations for non-Federal participant’s components to be utilized under this CRADA.

7. Assist with installation of equipment required to perform testing, if required.

8. Provide any specific training, along with mutually agreed upon technical support, to the joint test team evaluating the technology.

9. Provide any specific training to those Coast Guard members evaluating the technology.

10. Provide mutually agreed upon resources required to execute the test plan, as required.

11. Write a report in collaboration with the R&D Center.

The Coast Guard reserves the right to select for CRADA participants all, some, or no proposals submitted for this CRADA. The Coast Guard will provide no funding for reimbursement of proposal development costs. Proposals and any other material submitted in response to this notice will not be returned. Proposals submitted are expected to be unclassified and be no more than five single-sided pages (excluding cover page, DD 1494, and JF–12). The Coast Guard will select proposals at its sole discretion based on:

1. How well they communicate an understanding of and ability to meet, the proposed CRADA’s goal; and
2. How well they address the following criteria:
 - a. Technical capability to support the non-Federal party contributions described, and
 - b. Resources available for supporting the non-Federal party contributions described.

Currently, the Coast Guard is considering Saronic Technologies, Inc. for participation in this CRADA. This consideration is based on the fact that Saronic Technologies, Inc. manufactures and develops commercially available USV platforms, platform/sensor Command and Control (C2), and other USV systems. However, we do not wish to exclude other viable participants from this or similar CRADAs in the future.

Special consideration will be given to small business firms or consortia, and preference will be given to business units located in the United States. This notice is issued under the authority of 5 U.S.C. 552(a).

Dated: November 12, 2025.

M.P. Chien,

Captain, Commanding Officer, U.S. Coast Guard Research and Development Center.

[FR Doc. 2025–20215 Filed 11–17–25; 8:45 am]

BILLING CODE 9110–04–P

¹ The statute confers this authority on the head of each Federal agency. The Secretary of DHS’s authority is delegated to the Coast Guard and other DHS organizational elements by DHS Delegation No. 0160.1, para. II.B.34.

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****[Docket No. USCG–2025–0343]****Notice of Availability of Record of Decision for the Atlantic Fleet Training and Testing Final Supplemental Environmental Impact Statement/ Overseas Environmental Impact Statement****AGENCY:** Coast Guard, DHS.**ACTION:** Notice of availability.

SUMMARY: The Coast Guard announces its decision to conduct training and testing activities within the Atlantic Fleet Training and Testing (AFTT) Study Area as described in Alternative 1 of the Atlantic Fleet Training and Testing Final Supplemental Environmental Impact Statement/ Overseas Environmental Impact Statement (AFTT Final Supplemental EIS/OEIS).

DATES: The Coast Guard's Record of Decision is dated September 23, 2025.

ADDRESSES: The complete text of the Record of Decision (ROD) is available on the project website at <https://www.nepa.navy.mil/aftteis/>. Single copies of the ROD are available upon request by contacting: 2703 Martin Luther King Jr. Ave. SE, Mail Stop 7Y17–00, Washington, DC 20593–7714. The ROD is also available in the docket, which can be found by searching for docket number USCG–2025–0343 at <https://www.regulations.gov>. Supplementary and supporting documentation, including the Final Supplementary Environmental Impact Statement, can be found at: <https://www.nepa.navy.mil/aftteis/>.

FOR FURTHER INFORMATION CONTACT: If you have questions about the ROD, contact Andrew Haley, U.S. Coast Guard; email HQS-SMB-CG-47-POLICYREVIEW@uscg.mil.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, Sections 4321 *et seq.* of Title 42 United States Code, the Coast Guard announces its decision to implement the Coast Guard's preferred Alternative, Alternative 1. Alternative 1 is representative of an annual level of training and testing activities that accounts for the natural fluctuations of training cycles, deployment schedules,

and use of synthetic training opportunities.

Amy B. Grable,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Capability.

[FR Doc. 2025–20227 Filed 11–17–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****[Docket ID FEMA–2025–0179]****Notice of Adjustment of Public Assistance Thresholds for Floodplain Management and Wetlands Protection Review Process**

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice that dollar value thresholds that provide exemption from or abbreviation of the floodplain management and wetlands protection process for certain Public Assistance projects associated with disasters with an incident start date on or after October 1, 2025, will increase.

DATES: These adjustments apply to major disasters with an incident start date on or after October 1, 2025.

FOR FURTHER INFORMATION CONTACT: Portia Ross, Office of Environmental Planning and Historic Preservation, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 212–5929.

SUPPLEMENTARY INFORMATION: FEMA regulation 44 CFR 9.5 includes three different dollar value thresholds that provide exemption from or abbreviation of the 8-step floodplain management and wetlands protection process (8-step process) for certain FEMA projects funded through the Public Assistance program. The regulations provide that the dollar value amounts “will be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.”

For all disasters with an incident start date on or after October 1, 2025, FEMA gives notice of the following adjustments to these thresholds:

- The threshold at 44 CFR 9.5(c)(9) exempting actions from the 8-step process will be increased to \$19,000;
- The thresholds at 44 CFR 9.5(d) identifying actions that only need to apply steps 1, 4, 5, and 8 are increased to \$19,000 and \$96,000;

- The threshold at 44 CFR 9.5(e)(2)(i) identifying the maximum dollar value for actions that only need to apply steps 1, 2, 4, 5, and 8 is increased to \$385,000.

FEMA bases these adjustments on an increase in the Consumer Price Index for All Urban Consumers of 2.7% for the 12-month period that ended in June 2025 and 3% for the 12-month period that ended in June 2024, for a total of 5.78%. This adjustment accounts for two years of inflation because the current values were set based on inflation through June 2023. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on July 15, 2025, and July 11, 2024. Each threshold value is rounded to the nearest \$1,000.

Donna Defrancesco,

Assistant Administrator, Office of Environmental Planning and Historic Preservation, Federal Emergency Management Agency.

[FR Doc. 2025–20059 Filed 11–17–25; 8:45 am]

BILLING CODE 9111–66–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**[Docket No. FR–6541–N–01]****The Performance Review Board**

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of appointments.

SUMMARY: The Department of Housing and Urban Development announces the establishment of the Departmental Performance Review Board (PRB) to make recommendations to the appointing authority on the performance and compensation of its Senior Executive Service (SES), Senior Level (SL) and Senior Technical (ST) professionals.

FOR FURTHER INFORMATION CONTACT: Persons desiring any further information about the PRB and its members may contact Deborah Robinson, Acting Director, Office of Executive Resources, Department of Housing and Urban Development, Washington, DC 20410. Telephone (202) 402–4994. (This is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION: 5 U.S.C. 4314(c)(1) through (5) requires each agency to establish, in accordance with

regulations prescribed by the Office of Personnel Management, one or more performance review boards. The

following persons may be named to serve on the PRB from 2025 through

2026. They are listed by type of appointment, name, and official title.

Name	Official title
CAREER SES	
AMMON, MATTHEW E	DIRECTOR, OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL.
BALLARD, DANIEL L	DEPUTY CHIEF FINANCIAL OFFICER.
BERENBAUM, DAVID L	DEPUTY ASSISTANT SECRETARY, OFFICE OF HOUSING COUNSELING.
BILLINGSLEY, DONALD A	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR MULTIFAMILY HOUSING.
BLONIAZ, CATHERINE A	ASSISTANT CHIEF FINANCIAL OFFICER FOR BUDGET.
BORUM, MARK G	DIRECTOR, DEPARTMENTAL ENFORCEMENT CENTER.
BROWN, AMY L	DEPUTY GENERAL COUNSEL FOR HOUSING PROGRAMS.
CLARK, DARRELL A	ACTING CHIEF TRANSFORMATION AND STRATEGY OFFICER.
CLARK, PRISCILLA W	CHIEF ADMINISTRATIVE OFFICER.
COOKE JR., KEVIN R	GENERAL DEPUTY ASSISTANT SECRETARY FOR FAIR HOUSING AND EQUAL OPPORTUNITY.
CORSIGLIA, NANCY E	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCE AND BUDGET.
DARLING, KATHERINE M	ASSISTANT CHIEF FINANCIAL OFFICER FOR SYSTEMS.
DAVIS, THOMAS R	DIRECTOR, OFFICE OF RECAPITALIZATION AND DEVELOPMENT.
FAUX, CHRISTIAN B	DIRECTOR, SINGLE FAMILY PROGRAM DEVELOPMENT.
FERNANDEZ, MARIA C	GENERAL DEPUTY ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT.
FERRY, SHYLON C	DEPUTY ASSISTANT SECRETARY FOR OPERATIONS.
FORRESTER, ALTHEA M	ASSOCIATE GENERAL COUNSEL FOR ASSISTED HOUSING AND COMMUNITY DEVELOPMENT.
FRECHETTE, HEIDI J	GENERAL DEPUTY ASSISTANT SECRETARY FOR PUBLIC AND INDIAN HOUSING.
GAITHER, FELICIA R	DEPUTY ASSISTANT SECRETARY FOR FIELD OPERATIONS.
GARCIA-TOMCHICK, M. HONOR	DIRECTOR, OFFICE OF HUMAN CAPITAL SERVICES.
GOLRICK, JANET A	DIRECTOR, NATIONAL DISASTER COORDINATOR.
HEMPHILL, FRANCINE L	DEPUTY CHIEF PROCUREMENT OFFICER.
KEITH, GREGORY A	SENIOR VICE PRESIDENT AND CHIEF RISK OFFICER.
KUBACKI, MELAJA K	ASSISTANT CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT.
LARSON, JENNIFER L	DIRECTOR, OFFICE OF ASSET MANAGEMENT AND PORTFOLIO OVERSIGHT.
LOFINMAKIN, ADETOKUNBO	SENIOR VICE PRESIDENT AND CHIEF FINANCIAL OFFICER FOR GINNIE MAE.
LUKOFF, ROGER M	DEPUTY ASSISTANT SECRETARY FOR HEALTHCARE PROGRAMS.
MICHALSKI, LORI A	ACTING GENERAL DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION (EFFECTIVE OCTOBER 5, 2025).
MONTGOMERY, MATISHA D	ACTING DEPUTY CHIEF HUMAN CAPITAL OFFICER (EFFECTIVE OCTOBER 5, 2025).
MORRIS, VANCE T	ASSOCIATE GENERAL DEPUTY ASSISTANT SECRETARY FOR HOUSING.
NARODE, DANE M	ASSOCIATE GENERAL COUNSEL FOR PROGRAM ENFORCEMENT.
NAZZARO	MARIANNE DEPUTY ASSISTANT SECRETARY FOR PUBLIC HOUSING INVESTMENT.
NICKLES, TRENT D	DEPUTY CHIEF ADMINISTRATIVE OFFICER.
PAO, JEAN LIN	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
PARKER, TENNILLE S	DIRECTOR, DISASTER RECOVERY SPECIAL ISSUES DIVISION.
PETERSON, CHRISTINA M	ACTING CHIEF HUMAN CAPITAL OFFICER (EFFECTIVE OCTOBER 5, 2025).
RAMOS, RUSSELL A	SENIOR VICE PRESIDENT OF ENTERPRISE DATA AND TECHNOLOGY SOLUTIONS.
REEVES, ANTHONY B	DEPUTY ASSISTANT SECRETARY FOR OPERATIONS.
RICHARDSON, TODD M	GENERAL DEPUTY ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH.
ROBINSON, JOZETTA R	DIRECTOR, EXECUTIVE SECRETARIAT.
SARGEANT, JUAN C	DEPUTY CHIEF INFORMATION OFFICER.
SAUNDERS, ELISSA O	DIRECTOR, OFFICE OF SINGLE-FAMILY ASSET MANAGEMENT DEVELOPMENT.
SCOTT, PAUL A	BUSINESS CHANGE AND INTEGRATION OFFICER.
SHAFFER, JULIE A	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR SINGLE-FAMILY HOUSING (PHL).
TAYLOR, CHRISTOPHER D	DIRECTOR, FIELD POLICY AND MANAGEMENT.
TAYLOR, MELODY C	DEPUTY ASSISTANT SECRETARY, OFFICE OF POLICY AND LEGISLATIVE INITIATIVES.
TOLBERT, SHERECE M	ASSOCIATE GENERAL COUNSEL FOR INSURED HOUSING AND URBAN DEVELOPMENT.
USOWSKI, KURT G	DEPUTY ASSISTANT SECRETARY FOR ECONOMIC AFFAIRS.
WALKER, CHERYLAYNE B	FEDERAL HOUSING ADMINISTRATION COMPTROLLER.
WILLIAMS, WAYNE A	DIRECTOR, OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY.
WORDEN, JEANINE M	ASSOCIATE GENERAL COUNSEL FOR FAIR HOUSING.

NONCAREER SES

CASSIDY, FRANCIS X	PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR HOUSING.
CLEVELAND-LEGGETT, DENISE C.	REGIONAL ADMINISTRATOR (ATL).
COWAN, CHARLES D	PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION.
DEFELICE, JOSEPH J	ASSISTANT DEPUTY SECRETARY FOR FIELD POLICY AND MANAGEMENT.
DEMARZO, BENJAMIN E	SENIOR ADVISOR.
GIBBS, JOHN N	PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH.
GORMLEY, JOSEPH M	EXECUTIVE VICE PRESIDENT & CHIEF OPERATING OFFICER FOR GINNIE MAE.
HOBBS, BENJAMIN R	PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR PUBLIC AND INDIAN HOUSING.
HORN, BRYAN W	DEPUTY ASSISTANT SECRETARY FOR GRANTS PROGRAMS.
HUGHES, ANDREW D	DEPUTY SECRETARY.
IRVING, DENNIS L	PRINCIPAL DEPUTY CHIEF FINANCIAL OFFICER/SENIOR ADVISOR FOR GOVERNMENT EFFICIENCY.

Name	Official title
JONES, MATTHEW M	DEPUTY ASSISTANT SECRETARY FOR MULTIFAMILY HOUSING.
KNITTLE, SCOTT A	PRINCIPAL DEPUTY GENERAL COUNSEL.
LOVETT, KASEY L	PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.
MCCALL, JONATHAN A	CHIEF OF STAFF.
MILLER, BRIAN D	COUNSELOR TO THE SECRETARY.
SEATS, CHRISTOPHER L	DEPUTY ASSISTANT SECRETARY FOR MULTIFAMILY HOUSING PROGRAMS.
SIDLE, STEPHEN E	CHIEF INFORMATION OFFICER.
THURMAN, TODD M	DEPUTY CHIEF OF STAFF.
WILSON, REID A	DEPUTY CHIEF OF STAFF.
WOLL JR, DAVID C	GENERAL COUNSEL.

Andrew D. Hughes,
Deputy Secretary.

[FR Doc. 2025–20207 Filed 11–17–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6598; NPS–WASO–NAGPRA–
NPS0041311; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Inventory Completion: San José State University, San José, CA

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), San José State University has completed an inventory of human remains and 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 18, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Alisha Ragland, San José State University, One Washington Square, San José, CA 95192, email alisha.ragland@sjsu.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of San José State University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing one individual have been identified. No associated funerary objects are present.

One document associated with the human remains lists their origination from Maui, Hawaii, from the late Pleistocene.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

San José State University has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native Hawaiian ancestry.
- There is a connection between the human remains described in this notice and the Hui Iwi Kuamo'o.

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 18, 2025. If competing requests for repatriation are received, San José State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. San José State University is responsible for sending a copy of this notice to the Indian Tribes 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–20118 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6594; NPS–WASO–NAGPRA–
NPS0041307; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Inventory Completion: San Diego State University, San Diego, CA

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), San Diego State University (SDSU) 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 18, 2025.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Jaime Lennox, San Diego State University, 5500 Campanile Drive, San Diego, CA 92182, email jlennox@sdsu.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 SDSU, 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 seven lots of associated funerary objects (representing approximately 750+) are one lot lithics, one lot unworked shell, one lot non-human faunal, one lot ground stone, one lot ceramics, one lot historic items, and one lot soil samples. The associated funerary objects were collected from site CA-SDI-5612 (W-1667, San Dieguito Estates) located in San Diego County, California in 1980 via excavation by cultural resource management firm RECON for the Pardee Construction Company as part of the San Dieguito Estates Project. SDSU received the collection in 1984 and assigned the collection accession number SDSU-0039 (CMP-SDSU-0039). Human remains from the site representing, at least, one individual were published in a Notice of Inventory Completion in the **Federal Register** on December 18, 2000 (65 FR 79120) and amended on September 11, 2025 (90 FR 44095). It is unknown whether any potentially hazardous substances were used to treat the associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

Determinations

SDSU has determined that:

- The seven lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California; Ewiiapaayp Band of Kumeyaay Indians, California; Iipay Nation of Santa Ysabel, California; Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande

Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; and the Sycuan Band of the Kumeyaay Nation.

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 18, 2025. If competing requests for repatriation are received, SDSU 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. SDSU 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-20119 Filed 11-17-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6577; NPS-WASO-NAGPRA-NPS0041253; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: San Diego State University, San Diego, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), San Diego State University (SDSU) and the San Diego County Department of Public

Works (DPW) have completed an inventory of human remains and associated funerary objects and have 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 18, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Jaime Lennox, San Diego State University, 5500 Campanile Drive, San Diego, CA 92182, email jlennox@sdsu.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 SDSU and DPW, 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 five lots of associated funerary objects (representing approximately 1,160 objects) are one lot shell, one lot historic items, one lot soil samples, one lot lithics, and one lot groundstone. The human remains and associated funerary objects were collected from site CA-SDI-215 (San Elijo Lagoon) located in San Diego County, California via excavation by DPW in 1981. SDSU received the cultural items removed from the site by DPW in 2007 and assigned accession number SDSU-0693 (CMP-SDSU-0693); DPW retained legal control of the human remains. At an unknown date, the majority of the human remains were reburied. DPW sent samples of the human remains and associated soil matrix to the University of California Riverside in 1982; the remains and soil were subsequently transferred to SDSU in 2025 to be reunited with the rest of the collection. It is unknown whether any potentially hazardous substances were used to treat the associated funerary objects or 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 and associated funerary objects described in this notice.

Determinations

SDSU and DPW have determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The five lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California; Ewiiapaayp Band of Kumeyaay Indians, California; Iipay Nation of Santa Ysabel, California; Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; and the Sycuan Band of the Kumeyaay Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
 2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.
- Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after December 18, 2025. If competing requests for repatriation are received, SDSU 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. SDSU 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. 2025–20112 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–CONC–32679; PPWOBSDCO, PPMVSCS1Y.Y00000]

Notice of Intent To Award a Sole-Source Concession Contract for Visitor Services at Bryce Canyon National Park

AGENCY: National Park Service, Interior.

ACTION: Notice of proposed award of sole-source concession contract for visitor services at Bryce Canyon National Park.

SUMMARY: Public notice is given that the National Park Service proposes to award a sole-source concession contract for the provision of lodging, food and beverage, retail, and other visitor services within Bryce Canyon National Park.

DATES: The term of the sole-source concession contract will commence (if awarded) no earlier than January 1, 2026, with an anticipated term of 1 year, but up to 3 years, if necessary.

FOR FURTHER INFORMATION CONTACT: Kurt Rausch, Program Chief, Commercial Services Program, National Park Service, 1849 C Street NW, Mail Stop 2410, Washington, DC 20240; Telephone: 202–513–7156.

SUPPLEMENTARY INFORMATION: Pursuant to 36 CFR 51.25, the Director of the National Park Service (Service) may award a concession contract non-competitively upon a determination that extraordinary circumstances exist under which compelling and equitable considerations require the award of the concession contract to a particular qualified person in the public interest and that such an award is otherwise consistent with the requirements of part

51. Contracts that are awarded non-competitively under this authority are commonly referred to as “sole-source” contracts. The Service has determined that the proposed award of a sole-source contract to Aramark Sports and Entertainment Services, LLC (Aramark) is necessary based on the following information.

The extraordinary circumstances in this instance are due to delays in the solicitation and award of a commercial services contract for these visitor services and facilities under the Visitor Experience Improvement Authority (VEIA), 54 U.S.C. 101931–38, and the need for a transition period before operations commence under a new contract. The existing temporary contract for these visitor services expires on December 31, 2025. The Service has exhausted the time allowed for temporary contracts authorized under 36 CFR 51.24. Indisputable compelling and equitable considerations require the award of the sole-source contract because the Service otherwise would need to close the contracted operations and no other operators provide similar services in the park, resulting in severe adverse impacts for many visitors who rely on these services. The term of the sole-source contract will be limited to the time needed to transition to a new contract.

The Service has determined that Aramark is a “qualified person” as defined by 36 CFR 51.3, and, having already made the investments necessary for the operations, is the only entity positioned to provide the visitor services during the transition. Awarding the sole-source contract is in the public interest as the only viable option for avoiding an interruption of visitor services and ensuring an authorized operator maintains and insures the facilities. The award is otherwise consistent with the requirements of part 51.

This is not a request for proposals. The publication of this notice reflects the intent of the Service but does not bind the Service to award the sole-source contract.

Nicole Woody,

Acting Associate Director, Business Services.

[FR Doc. 2025–20192 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6579; NPS-WASO-NAGPRA-
NPS0041287; PPWOCRADNO-
PCU00RP14.R50000]

**Notice of Inventory Completion: Field
Museum, Chicago, IL**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Field Museum has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after December 18, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to June Carpenter, NAGPRA Director, Field Museum, 1400 S Lake Shore Drive, Chicago, IL 60605, email jcarpenter@fieldmuseum.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 Field 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. No associated funerary objects are present. The individual was removed from Polecat Creek Gravel Pits in Coles County, Illinois, by Edward C. Galbreath in October, 1936, and accessioned by the Field Museum on October 12, 1936. There is no known presence of any potentially hazardous substances.

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 Field Museum 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 Ho-Chunk Nation of Wisconsin; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; and The Osage Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after December 18, 2025. If competing requests for repatriation are received, the Field Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Field 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-20114 Filed 11-17-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6589; NPS-WASO-NAGPRA-
NPS0041298; PPWOCRADNO-
PCU00RP14.R50000]

**Notice of Intended Repatriation:
California State University, Dominguez
Hills, Carson, CA**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Dominguez Hills (CSUDH) 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 18, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Johnny Sampson, California State University, Dominguez Hills, 1000 East Victoria Street, SBS G-323, Carson, CA 90704, email josampson@csudh.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 CSUDH, 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 10 boxes of cultural items have been requested for repatriation. The 10 boxes of unassociated funerary objects include burned groundstone, obsidian projectile point, burned bowls and faunal material. CA-KER-22 and Black Mountain are an archaeological site recorded in 1948 by F.A. Riddell. There are no human remains in this collection and no known presence of hazardous materials.

Determinations

CSUDH has determined that:

- The 10 boxes of 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 Tejon Indian Tribe.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 18, 2025. If competing requests for repatriation are received, CSUDH 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. CSUDH 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–20107 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6591; NPS–WASO–NAGPRA–
NPS0041305; PPWOCRADN0–
PCU00RP14.R50000]

Notice of Inventory Completion: University of Tennessee at Chattanooga, Chattanooga, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Tennessee at Chattanooga (UTC) 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 18, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Kylie Williamson, The University of Tennessee at Chattanooga, 615 McCallie Avenue, Dept. 2101, Chattanooga, TN 37403, email nagpra@utc.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 UTC, 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. The 41 lots of associated funerary objects are ceramics, lithics, shell, bone, soil samples, organics, radiocarbon samples, and daub. The materials associated with 40HA210, Lupton Site, Heritage Place Tract were excavated in Chattanooga, Hamilton County, Tennessee, by Dr. Nicholas Honerkamp and R. Bruce Council of UTC's Jeffrey L. Brown Institute of Archaeology in two phases of excavations in November 1984 and April 1985. Excavated materials, not including Ancestral remains were housed at UTC. Project reports from 1985 and 1990 indicate Ancestral remains were transferred to the McClung Museum of Natural History and Culture at the University of Tennessee, Knoxville (UTK), where they were housed until they were transferred to UTC on May 15, 2025. There are no known potentially hazardous substances used to treat any of the Ancestral remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The UTC has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.

- The 41 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; and The Muscogee (Creek) Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after December 18, 2025. If competing requests for repatriation are received, the UTC 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 UTC 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–20109 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6586; NPS-WASO-NAGPRA-NPS0041295; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: The University of Alabama at Birmingham, Birmingham, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Alabama at Birmingham 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 18, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Lauren Downs, the University of Alabama at Birmingham, Department of Anthropology, UH 3165, 1720 2nd Avenue South, Birmingham, AL 35294, email nagprastaff@uab.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Alabama at Birmingham, 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, three individuals have been identified. The 155 associated funerary objects are 81 faunal bone fragments, including turtle, deer, and unidentified species; 51 lithic flakes; 13 shells or shell fragments; eight pottery sherds; one greenstone flake; and one lot of charcoal. Site 1Sc50 is located in St. Clair County, AL, along the Coosa River and is a large, multi-component village site. The site was excavated by Dr. Roger Nance (Department of Anthropology, the University of Alabama at Birmingham) in 1968–1971 as part of a university-sponsored archaeological field school. Internal records list the site

as 1STC100, but this is believed to be a synonym for site 1Sc50. Occupation of the site spans the Archaic, Woodland, and early Protohistoric periods. The burials recovered from the site likely date to the Early to Middle Woodland Period (1000 BC–A.D. 500), possibly the Cedar Bluff phase of the Early Middle Woodland Period (100 BC–A.D. 300). The Cedar Bluff phase is considered a variant of the Tennessee Valley Colbert culture. There is no record of any potentially hazardous substances being used to treat the ancestors or associated belongings.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The University of Alabama at Birmingham has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- The 155 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Alabama-Coushatta Tribe of Texas; Poarch Band of Creek Indians; Seminole Tribe of Florida; Shawnee Tribe; The Muscogee (Creek) Nation; and the Thlopthlocco Tribal Town.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after December 18, 2025. If competing requests for

repatriation are received, the University of Alabama at Birmingham must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of Alabama at Birmingham 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–20104 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6582; NPS-WASO-NAGPRA-NPS0041291; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: California State University, Stanislaus, Turlock, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Stanislaus intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 18, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Jake Malsbury, NAGPRA/CalNAGPRA Repatriation Coordinator, Office of the President, California State University, Stanislaus, One University Circle, Turlock, CA 95382, email jmalsbury@csustan.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 California State University, Stanislaus, 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 19 cultural items have been requested for repatriation. The 19 objects of cultural patrimony include flaked stone and ground stone objects, historic objects, and mineral fragments. The cultural items were removed from sites CA-AMA-348/H, AMA-352, and AMA-353 in Amador County, CA. The items were removed in 1991 by Lewis K. Napton with the California State University, Stanislaus, Institute for Archaeological Research as part of cultural resource investigations for Community Concepts of Mariposa, California for their Q-Ranch Development Project.

Determinations

The California State University, Stanislaus has determined that:

- The 19 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 California Valley Miwok Tribe, California; Ione Band of Miwok Indians of California; United Auburn Indian Community of the Auburn Rancheria of California; Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches); and the Wilton 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 18, 2025. If competing requests for repatriation are received, the California State University, Stanislaus must determine the most

appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The California State University, Stanislaus 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-20100 Filed 11-17-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6593; NPS-WASO-NAGPRA-NPS0041306; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: California State Polytechnic University, Humboldt, Arcata, CA, and 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), California State Polytechnic University, Humboldt (Cal Poly Humboldt) and Sonoma State University intend 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 18, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Megan Watson, NAGPRA Coordinator for Cal Poly Humboldt, 1 Harpst Street, Arcata, CA 95521, email calnagpra@humboldt.edu, and Kirsten Tworck, Repatriation Coordinator for Sonoma State University, 1801 E Cotati Avenue, Rohnert Park, CA 94928, email tworck@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 Cal Poly Humboldt and 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 191 cultural items have been requested for repatriation. Of these cultural items, a total of 141 individual items are unassociated funerary objects, including flaked stone, unmodified stones, and shell. A total of 50 items are sacred objects, including flaked stone, groundstone, polished stone, shell, unmodified faunal remains, floral remains, and historic items.

In 1984, 141 individual cultural items were removed from CA-SON-712/P-49-000655 (also known as the Dutton Property), located in Sebastopol, California. The cultural items were removed by archaeologist Alan Bramlette of the Sonoma State University Cultural Resources Facility and donated to Humboldt State University (now Cal Poly Humboldt). Records indicate that additional items from this site are held in the property owner's private collection and are not in the possession of Cal Poly Humboldt.

In 1987, 50 cultural items were removed from CA-SON-1101/P-49-001029, located in Sebastopol, California. The cultural items were removed by archaeologist Alan Bramlette of the Sonoma State University Cultural Resources Facility. Of these cultural items, 15 items were kept at Sonoma State University, while 35 individual items were donated to Humboldt State University (now Cal Poly Humboldt).

Determinations

Cal Poly Humboldt and Sonoma State University have determined that:

- The 141 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 50 sacred objects described in this notice are specific ceremonial objects 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 connection between the cultural items described in this notice and the Federated Indians of Graton 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 18, 2025. If competing requests for repatriation are received, Cal Poly Humboldt and 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. Cal Poly Humboldt and Sonoma State University are responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–20110 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6576; NPS–WASO–NAGPRA–NPS0041252; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion Amendment: Trinity University, San Antonio, TX; University of Texas at Austin, Texas Archeological Research Laboratory, Austin, TX; and University of Texas at Austin, Vertebrate Paleontology Laboratory, Austin, TX

AGENCY: National Park Service, Interior.

ACTION: Notice; amendment.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Trinity University (Trinity), University of Texas at Austin, Texas Archeological Research Laboratory (TARL), and University of Texas at Austin, Vertebrate Paleontology Laboratory (VPL) have amended a notice of inventory completion published in the **Federal Register** on August 5, 2025. This notice amends the Indian Tribes or Native Hawaiian organizations with cultural affiliation.

DATES: Repatriation of the human remains and associated funerary objects may occur on or after December 18, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects to Maggie Moore, Trinity University, Department of Sociology and Anthropology, 1 Trinity Place, San Antonio, TX 78212–7200, email mmoore3@trinity.edu; Jessica Ulmer, The University of Texas at Austin Texas Archaeological Research Laboratory, 1 University Station, R7500, Austin, TX 78712, email jessica.ulmer@austin.utexas.edu; or Chris Sagebiel, The University of Texas at Austin Vertebrate Paleontology Laboratory, J. J. Pickle Research Campus, The University of Texas, 3333 Read Granberry Trl. (VPL, bldg. 6), Austin, TX 78758, email sagebiel@austin.utexas.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 Trinity, TARL, and VPL, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Amendment

This notice amends the determination of cultural affiliation published in a notice of inventory completion in the **Federal Register** (90 FR 37554, August 5, 2025). Repatriation of the human remains and associated funerary objects in the original notice of inventory completion has not occurred.

Determinations

Trinity, TARL, and VPL have determined that:

- There is a connection between the human remains and associated funerary objects described in the original notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Comanche Nation, Oklahoma; Kickapoo Traditional Tribe of Texas; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Shawnee Tribe; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma; and the Ysleta del Sur Pueblo.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in the original notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in the original notice to a requestor may occur on or after December 18, 2025. If competing requests for repatriation are received, Trinity, TARL, and VPL 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. Trinity, TARL, and VPL are 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. 2025–20111 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6581; NPS–WASO–NAGPRA–
NPS0041289; PPWOCRADNO–
PCU00RP14.R50000]

Notice of Inventory Completion: University of Missouri, Museum of Anthropology, Columbia, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Missouri, Museum of Anthropology 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 18, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Candace Sall, University of Missouri, Museum of Anthropology, 101 Museum Support Center, Columbia, MO 65211, email nagpra@missouri.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Missouri, Museum of Anthropology, 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, 22 individuals have been identified. The seven associated funerary objects are one obsidian flake and six ceramic sherds. Prior to 1996, the University of Missouri, Museum of Anthropology, became responsible for the care of 22 ancestors (seven adult females, eight adult males, four adults of unknown sex, and three children of unknown sex)

and their funerary belongings. These individuals and associated funerary objects were removed from burials in the Montezuma Mound Group (11PK1245; Pike County, Illinois): Mounds 1–B, 1–C, 7, 7–A, 7–C, 7–F, 8–B, 8–D, and other, unknown locations at Montezuma Mounds on an unknown date by Dr. Parks and the Missouri Historical Society. To our knowledge, no hazardous substances have been used to treat the human remains or funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The University of Missouri, Museum of Anthropology has determined that:

- The human remains described in this notice represent the physical remains of 22 individuals of Native American ancestry.
- The seven objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Citizen Potawatomi Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Iowa Tribe of Kansas and Nebraska; Kaw Nation, Oklahoma; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Quapaw Nation; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Shawnee Tribe; and the Winnebago Tribe of Nebraska.

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 in this notice to a requestor may occur on or after December 18, 2025. If competing requests for repatriation are received, the University of Missouri, Museum of Anthropology must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of Missouri, Museum of Anthropology 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–20121 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6584; NPS–WASO–NAGPRA–
NPS0041293; PPWOCRADNO–
PCU00RP14.R50000]

Notice of Inventory Completion: Illinois State Museum, Springfield, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Illinois State Museum 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 18, 2025.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Dr. Brooke M.

Morgan, Illinois State Museum Research & Collections Center, 1011 East Ash Street, Springfield, IL 62703, email brooke.morgan@illinois.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 Illinois State Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, two associated funerary objects have been identified. The two funerary objects are two lots of skunk bones removed from Yokem Mound in Pike County, IL, in 1967 by Gregory Perino. They transferred to the Illinois State Museum in 1967. To our knowledge, no hazardous substances have been used to treat the funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

Determinations

The Illinois State Museum has determined that:

- The two objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the associated funerary objects described in this notice and Citizen Potawatomi Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Iowa Tribe of Kansas and Nebraska; Kaw Nation, Oklahoma; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Quapaw Nation; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Shawnee Tribe;

The Osage Nation; and the Winnebago Tribe of Nebraska.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the associated funerary objects in this notice to a requestor may occur on or after December 18, 2025. If competing requests for repatriation are received, the Illinois State Museum 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 Illinois State Museum 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–20102 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6580; NPS–WASO–NAGPRA–NPS0041288; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Beloit College, Logan Museum of Anthropology, Beloit, WI

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Beloit College, Logan Museum of Anthropology (LMA) 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 18, 2025.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Nicolette Meister, Beloit College, Logan Museum of Anthropology, 700 College Street, Beloit, WI 53511, email meister@beloit.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 LMA 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 are bone awls or mortuary pins. In 1905 the Montezuma Mound Group (11PK1245) in Pike County, Illinois, was excavated by avocational archaeologists Gerard Fowke, David I. Bushnell, J.M. Wulfin, and N.D. McEvers. Nearly everything removed from Mound 1 was transferred to the Missouri Historical Society later that same year. On an unknown date, four bone awls (LMA 858.1; 858.2; 858.4; 708.3) excavated from Mound 1 were sold or transferred to the LMA probably from the Missouri Historical Society. LMA records do not indicate the presence of any known hazardous substances used to treat the associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

Determinations

The LMA 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 reasonable connection between the associated funerary objects described in this notice and the Citizen Potawatomi Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Iowa Tribe of Kansas and

Nebraska; Kaw Nation, Oklahoma; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Quapaw Nation; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Shawnee Tribe; and the Winnebago Tribe of Nebraska.

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 18, 2025. If competing requests for repatriation are received, the LMA 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 LMA 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–20115 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6595; NPS–WASO–NAGPRA–NPS0041308; PPWOCRADNO–PCU00RP14.R50000]

Notice of Intended Repatriation: St. Louis County Historical Society, Duluth, MN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the St. Louis County Historical Society (SLCHS) intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 18, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Terry Johnson, St. Louis County Historical Society, 506 West Michigan Street, Duluth, MN 55802, email terry@thehistorypeople.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 SLCHS 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 five cultural items have been requested for repatriation. The five objects of cultural patrimony are three pipe bowls and two pipe stems. The five objects were sourced as part of WPA projects in Grand Portage, MN. The pipe stem labeled as 39.3.10.2 is associated with Chief Joeseeph Louis Memashkawash.

Determinations

The SLCHS has determined that:

- The five 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 Minnesota Chippewa Tribe, Minnesota (Grand Portage Band).

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 18, 2025. If competing requests for repatriation are received, the SLCHS 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 SLCHS 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–20120 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6588; NPS–WASO–NAGPRA–NPS0041297; PPWOCRADNO–PCU00RP14.R50000]

Notice of Intended Repatriation: California State University, Dominguez Hills, Carson, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Dominguez Hills (CSUDH) intends to repatriate certain cultural items that meet the definition of objects of cultural

patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 18, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Johnny Sampson, California State University, Dominguez Hills, 1000 East Victoria Street, SBS G-323, Carson, CA 90704, email josampson@csudh.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 CSUDH, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of three boxes of cultural items have been requested for repatriation. The three boxes are lithics and projectile points from archaeological excavations in and around Bristol Dry Lake, Broken Egg Mesa, Mojave Sink, Rocky Buttes, Palmdale, and Barstow, CA. There are no human remains and no known presence of hazardous substances.

Determinations

CSUDH has determined that:

- The three boxes of 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 Yuhaaviatam of San Manuel Nation (*previously* listed as San Manuel Band of Mission Indians, California).

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by

a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 18, 2025. If competing requests for repatriation are received, CSUDH 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. CSUDH 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-20106 Filed 11-17-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6585; NPS-WASO-NAGPRA-NPS0041294; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: The University of Tennessee, Department of Anthropology, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Tennessee, Department of Anthropology, Knoxville, TN (UTK) 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 18, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37996, email nagpra@utk.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 UTK, 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 two lots of associated funerary objects identified from the Roden/Craig Plant site (34MC215) are one lot of faunal material and one lot of objects placed with or near human remains. These objects were removed by Gregory Perino of the Museum of the Red River in Idabel, OK, likely between 1976 and 1978 when Perino removed a minimum of 47 individuals from the site. The human remains are not present at UTK. The Roden/Craig Plant site dates to the Late Caddo McCurtain Phase (c. 1300–1650 CE). Records indicate that the faunal remains were sent to Paul Parmalee of UTK by Perino some time after these excavations and that the faunal remains and objects were associated with human remains when originally removed from the site.

Human remains representing, at least, 21 individuals have been identified. The eight lots of associated funerary objects are lithics; faunal material; ceramics; and objects placed with or near human remains. These individuals and objects were removed from the Bud Wright site (34MC216) in McCurtain County, OK, in 1979 and 1985 by Gregory Perino of the Museum of the Red River in Idabel, OK. This site is located in southeastern OK, and ceramic assemblages suggest it has a Fourche Maline/Early Caddo Phase (c. 800–1200 CE) component and a possible Late Caddo McCurtain Phase (c. 1300–1650 CE) component. Based on records, it is likely that Perino sent these individuals to William Bass of UTK for examination along with others from nearby sites in Red River County, TX.

Human remains representing, at least, 32 individuals have been identified. The 15 lots of associated funerary objects are ceramics; lithics; faunal material; beads; and objects placed with or near human remains. These individuals and objects were removed from the Dan Holdeman site (41RR11) in Red River County, TX, in 1983 by Gregory Perino. This site is located along the Red River in northeastern Texas, and based on the presence of Mounds and archaeological assessments, the site has Formative Caddo, Middle Caddo, and Late Caddo McCurtain Phase components (c. 800–

1650 CE). Based on records describing the transport of individuals from nearby sites, it is likely that Perino sent these individuals to Bass at UTK for examination.

Human remains representing, at least, 90 individuals have been identified. The 48 lots of associated funerary objects are beads; botanical material; ceramics; faunal material; shell; and objects placed with or near human remains. These individuals and objects were removed from the Kaufman-Williams site, (41RR16) in Red River County, TX, between 1977 and 1979 by Gregory Perino and associates. It is a Mound site located along the Red River in northeastern Texas and has Early/Late Caddo McCurtain Phase and Historic components (c. 1100–1800 CE). Correspondence between Perino and Bass indicates that Perino sent these individuals to Bass at UTK for examination between 1977 and 1979.

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. This individual was removed from the Bentsen Clark site (41RR41 in Red River County, TX, at an unknown date by an unknown individual. Salvage excavations were undertaken at the site in 1969 by the McCurtain County Anthropological Society (MCAS) but records do not identify whether this individual was removed by MCAS. Ceramic assemblages suggest the site dates to the Early and Middle Caddo Phases (c. 1000–1400 CE). This individual was sent from New Mexico to the Museum of the Red River at an unknown date. Based on a pattern of past practice, it is likely that Perino transferred them to Bass at UTK for examination with other individuals from nearby sites.

Human remains representing, at least, 39 individuals have been identified. The 13 lots of associated funerary objects are ceramics; lithics; and objects placed with or near human remains. These individuals and objects were removed from the Rowland Clark site (41RR77) in Red River County, TX, by Gregory Perino between April and May, 1981. The site likely dates to the Late Caddo McCurtain Phase (c. 1300–1650 CE) and may also have a later (post-1650 CE) component. Based on records describing the transport of individuals from nearby sites from Perino to UTK, it is likely that Perino sent these individuals to Bass at UTK for examination.

To the best of our knowledge, no potentially hazardous substances were used to treat any of the remains or objects listed in this notice.

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

UTK has determined that:

- The human remains described in this notice represent the physical remains of 183 individuals of Native American ancestry.
- The 86 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Caddo Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after December 18, 2025. If competing requests for repatriation are received, UTK 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. UTK 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–20103 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6596; NPS–WASO–NAGPRA–NPS0041309; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: North Carolina Office of State Archaeology, Raleigh, NC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the North Carolina Office of State Archaeology 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 18, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Emily McDowell, North Carolina Office of State Archaeology, 215 West Lane Street, Raleigh, NC 27616, email emily.mcdowell@dnr.nc.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 North Carolina Office of State Archaeology, 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 88,088 cultural items have been requested for repatriation. The 88,088 unassociated funerary objects are one necklace, one batch of hemp fiber, and 88,086 beads. In 1992, artifacts from Fort Neoheroka were donated to the North Carolina Office of State Archaeology Research Center by the property owner. Fort Neoheroka, located in Greene County, North Carolina, is historically documented as the site of the final major battle of the Tuscarora War in 1713. The Tuscarora are historically and geographically documented as residing in the interior coastal plain region of North Carolina. According to Tuscarora traditional knowledge, the beads, known as Wampum, were intentionally placed with ancestors at the time of their death

and are the cultural property of the Tuscarora Nation, rather than any one individual.

Determinations

The North Carolina Office of State Archaeology has determined that:

- The 88,088 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 Tuscarora Nation

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 18, 2025. If competing requests for repatriation are received, the North Carolina Office of State Archaeology 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 North Carolina Office of State Archaeology 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–20116 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6590; NPS–WASO–NAGPRA–NPS0041299; PPWOCRADNO–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 18, 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 two individuals have been identified. The one lot of associated funerary objects are Olivella shell beads, turquoise and shell pendants, disc beads, burned worked (faunal) bone, whole shell beads, points, stone beads and pendants, worked stone, conus tinkler fragment, Glycymeris shell bracelet fragments, worked ceramic pieces, shell disc beads, a faunal bone bead awl. Circumstances and date of

acquisition unknown. 159: A display frame containing teeth from the minimum of two individuals and the one lot of associated funerary objects was located during the 1990–1991 full collections inventory. No information was located in the original Heard catalogue. Consultation in 2023 determined the need for further research on pottery type of the worked ceramic pieces. No pottery identification was concluded but the volume of Glycymeris shell bracelet fragments was noteworthy. Exposure to hazardous substances is unlikely.

Human remains representing at least one individual have been identified. The one lot of associated funerary objects are plain and redware pottery sherds, a stone rasp for shell jewelry manufacture, and a perforated raptor claw. Circumstances and date of acquisition unknown. 3288–4: A box containing the minimum one individual and one lot of associated funerary objects was discovered and subsequently accessioned during the 1990–1991 full collections inventory. No information was located in the original Heard catalogue. Consultation in 2023 determined the need for further research on pottery type and raptor identification. The stone tool was also identified at this time. Exposure to hazardous substances is unlikely.

Human remains representing at least one individual have been identified. The one lot of associated funerary objects are a charred awl and animal bone. Circumstances and date of acquisition unknown. 3288–5: A box containing charred bones from the minimum one individual and one lot of associated funerary objects was discovered and subsequently accessioned during the 1990–1991 full collections inventory. No information was located in the original Heard catalogue. Exposure to hazardous substances is unlikely.

Human remains representing at least one individual have been identified. The one associated funerary object is a Glycymeris shell bracelet fragment. Circumstances and date of acquisition unknown. 3288–6: The cremated bone and shell bracelet fragment was discovered and subsequently accessioned during the 1990–1991 full collections inventory. No information was located in the original Heard catalogue. Consultation in 2002 ruled out a Plains cultural affiliation. Exposure to hazardous substances is unlikely.

Human remains representing at least one individual have been identified. The one lot of associated funerary objects are pottery sherds, a spindle

whorl, a stone pallet fragment, coral, oyster shell, Glycymeris shell, and historic pottery sherds and plaster. Circumstances of acquisition unknown, date of acquisition is estimated. 4368–1: Container(s) with the minimum one individual and one lot of associated funerary objects were discovered and subsequently accessioned during the 1990–1991 full collections inventory. No information was located in the original Heard catalogue. Consultation in 2023 determined the need for further research on origin of the associated funerary objects. Most objects suggest a geographic location of the southwestern U.S. in general and Phoenix, AZ in particular. Exposure to hazardous substances is unlikely.

Human remains representing at least one individual have been identified. The one associated funerary object is a Golden Eagle skull. Circumstances and date of acquisition unknown. NA–SW–PR–T–2: A box containing the minimum one individual and associated Golden Eagle skull was discovered and subsequently accessioned during the 1990–1991 full collections inventory. Consultation in 2023 led to the identification of the bird skull as Golden Eagle, from southern 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 seven individuals of Native American ancestry.
- The six objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Gila River Indian Community of the Gila River Indian Reservation, Arizona.

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 18, 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–20108 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6578; NPS–WASO–NAGPRA–NPS0041254; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Missouri Historical Society, St. Louis, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA) the Missouri Historical Society (MHS) 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 18, 2025.

ADDRESSES: Send written requests for repatriation of the associated funerary objects to Brady Wolf, Missouri Historical Society, 225 S Skinker Boulevard, St. Louis, MO 63105, email bwolf@mohistory.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 MHS, 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 998 associated funerary objects (AFOs) are: 989 stone bifaces from a cache, one grooved stone axe, one celt, one shell hoe, two projectile points, one stone drill, one stone flake, one boatstone, and one lot of shell beads.

In 1905 the Montezuma Mound group (11PK1245) in Pike County, Illinois, was excavated by advocational archaeologists including Gerard Fowke, David Ives Bushnell, J.M. Wulfin, and N.D. McEvers. The 989 stone bifaces were taken from a burial in Montezuma Mounds #1, also known as McEvers Mound. The AFOs from that excavation were transferred to the Missouri Historical Society later that same year. Additional AFOs from Montezuma Mounds were transferred from Bushnell to the MHS in 1921. MHS records do not indicate the presence of any known hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

Determinations

The MHS has determined that:

- The 998 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a reasonable connection between the associated funerary objects described in this notice and the Citizen Potawatomi Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Iowa Tribe of Kansas and Nebraska; Kaw Nation, Oklahoma; Miami Tribe of Oklahoma; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Quapaw Nation; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Shawnee Tribe; and the Winnebago Tribe of Nebraska.

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 18, 2025. If competing requests for repatriation are received, the MHS 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 MHS 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 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-20113 Filed 11-17-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6597; NPS-WASO-NAGPRA-NPS0041310; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Autry Museum of the American West, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Autry Museum of the American West (Southwest Museum Collection) 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 18, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Karimah Richardson, M.Phil., RPA, Associate Curator of Anthropology and Repatriation Supervisor, Autry Museum of the American West, 4700 Western Heritage Way, Los Angeles, CA 90027, email krichardson@theautry.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 Autry Museum of the American West, 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 three associated funerary objects are one lot of matrix, one unmodified stone fragment and one lot of charcoal. On September 1st, 1960, Los Angeles Sheriff's Office found human remains in Palmdale, Antelope Valley, Los Angeles County, CA (17.C.102/662.G). A Sheriff Sergeant brought the human remains and associated funerary objects to the Southwest Museum (now part of the Autry Museum) on September 3rd, 1960, and donated them to the museum as they were archaeological in context.

Antelope Valley is the shared ancestral territory of the Serrano and Tataviam people. Morongo Band of Mission Indians, California; Yuhaaviatam of San Manuel Nation and two non-federally recognized tribes (San Fernando Band of Mission Indians; and Fernandeno Tataviam Band of Mission Indians) claim cultural affiliation to the human remains and associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The Autry Museum of the American West has determined that:

- The human remains described in this notice represent the physical remains of one 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 Morongo Band of Mission Indians, California and the Yuhaaviatam of San Manuel Nation (*previously* listed as San Manuel Band of Mission Indians, California).

Requests for Repatriation

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 18, 2025. If competing requests for repatriation are received, the Autry Museum of the American West 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 Autry Museum of the American West 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–20117 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6583; NPS–WASO–NAGPRA–NPS0041292; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Illinois State Museum, Springfield, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Illinois State 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 18, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Brooke M. Morgan, Illinois State Museum Research & Collections Center, 1011 East Ash Street, Springfield, IL 62703, email brooke.morgan@illinois.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 Illinois State Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing at least one individual have been reasonably identified. There are four associated funerary objects, including one dog burial, one bone awl, one lot of fauna, and one groundstone pestle. The remains and funerary objects were removed from the Stilwell II site in Pike County, IL, in 1961 by Gregory Perino. They transferred to the Illinois State Museum in 1961 but not identified as human remains until reviewing fauna in 2018. To our knowledge, no hazardous substances have been used to treat the human remains or funerary objects.

Based on the information available, human remains representing at least one individual have been reasonably identified. No associated funerary objects are present. The remains were recovered during a surface survey of Montezuma Mounds in 2008 and transferred to the Illinois State Museum in 2009 under the Illinois Human Remains Protection Act. To our knowledge, no hazardous substances have been used to treat the human remains.

Based on the information available, 72 associated funerary objects have been identified. They were removed on an unknown date from Montezuma Mounds and donated to Washington University in St. Louis, MO. They were subsequently transferred to the Illinois State Museum between 2012–2017. The 72 funerary objects include 27 chert bifaces, 20 bone perforators, two worked bone pieces, one cut antler, two obsidian blades, one three-quarter grooved axe, 12 ceramic sherds, two bone beads, two lots of shell beads, one shell pendant, one glass bead, and one lot brass and iron scraps. To our knowledge, no hazardous substances have been used to treat the funerary objects.

Based on the information available, one associated funerary object has been identified. The one funerary object is a dog burial that was removed from Joe Gay Mound in Pike County, IL, in 1970 by Gregory Perino. It transferred to the Illinois State Museum in 1970. To our knowledge, no hazardous substances have been used to treat the funerary object.

Based on the information available, two associated funerary objects have been identified. The two funerary objects are one cougar maxilla and one lot of green pigment removed from the Lawrence Gay Mound group in Pike County, IL, in 1970 by Gregory Perino. The cougar maxilla transferred to the Illinois State Museum in 1970, and the

pigment transferred to the Illinois State Museum in 2010 from the Center for American Archeology. To our knowledge, no hazardous substances have been used to treat the funerary objects.

Based on the information available, 15 associated funerary objects have been identified. The 15 funerary objects are 10 chert flakes, one retouched flake, one ceramic sherd, two pieces of chert, and one groundstone cobble removed from the Lawrence Gay Mound group in Pike County, IL, in 1984 during archaeological survey. They transferred to the Illinois State Museum from the Center for American Archeology in 2010. To our knowledge, no hazardous substances have been used to treat the funerary objects.

Based on the information available, one associated funerary object has been identified. The one funerary object is one bone pin or perforator removed from Bedford Mound in Pike County, IL, in 1904–1905. It transferred to the Illinois State Museum between 2012–2017 from Washington University in St. Louis, MO. To our knowledge, no hazardous substances have been used to treat the funerary object.

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 Illinois State Museum has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The 95 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Citizen Potawatomi Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Iowa Tribe of Kansas and Nebraska; Kaw Nation, Oklahoma; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of

Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Quapaw Nation; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Shawnee Tribe; and the Winnebago Tribe of Nebraska.

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 in this notice to a requestor may occur on or after December 18, 2025. If competing requests for repatriation are received, the Illinois State 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 Illinois State Museum 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-20101 Filed 11-17-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6587; NPS-WASO-NAGPRA-
NPS0041296; PPWOCRADNO-
PCU00RP14.R50000]

Notice of Inventory Completion: The University of Alabama at Birmingham, Birmingham, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and

Repatriation Act (NAGPRA), the University of Alabama at Birmingham 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 18, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Lauren Downs, the University of Alabama at Birmingham, Department of Anthropology, UH 3165 1720 2nd Avenue South, Birmingham, AL 35294, email nagprastaff@uab.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Alabama at Birmingham, 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 27 associated funerary objects are 12 pottery sherds, 11 chert lithic flakes, two flint projectile points, one chert lithic blade, and one gastropod shell. Site 1Ms471 is located in Marshall County, AL, near Paint Rock River. It included a village/camp area and five stone-covered mounds/graves. The site was excavated by Edward C. Mahan in 1956 prior to its destruction by the site owner. Mr. Mahan donated his site collection to the Department of Anthropology, the University of Alabama at Birmingham in 1981. The site was originally named "1Ms5" by Mr. Mahan, but that is considered to be a synonym for 1Ms471. Internal site records describe the ancestor and associated belongings as a "bundle burial," which was removed from an area adjacent to a mound at the site. Site use dates to the Paleoindian and Woodland periods. It is likely that the burial removed from the site dates to the Middle-Late Woodland Period (A.D. 1–1000) and perhaps to the Copena Culture of the Middle Woodland (A.D. 1–500). There is no record of potentially hazardous substances being used to treat the ancestor or associated belongings.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The University of Alabama at Birmingham has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 27 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Alabama-Coushatta Tribe of Texas; Poarch Band of Creek Indians; Seminole Tribe of Florida; The Muscogee (Creek) Nation; and the Thlopthlocco Tribal Town.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after December 18, 2025. If competing requests for repatriation are received, the University of Alabama at Birmingham must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of Alabama at Birmingham 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 30, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–20105 Filed 11–17–25; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1276
(Modification/Enforcement)]

Certain Light-Based Physiological Measurement Devices and Components Thereof; Notice of a Commission Determination To Institute a Combined Modification and Enforcement Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to institute a combined modification and enforcement proceeding to determine whether importation of certain products violates remedial orders issued in this investigation.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3427. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the underlying investigation on August 18, 2021, based on a complaint filed on behalf of Masimo Corporation (“Masimo”) and Cercacor Laboratories, Inc., both of Irvine, California. 86 FR 46275 (Aug. 18, 2021). The complaint, as amended, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the

United States after importation of certain light-based physiological measurement devices and components thereof by reason of infringement of certain claims of U.S. Patent No. 10,912,501 (“the ‘501 patent”); U.S. Patent No. 10,912,502 (“the ‘502 patent”); U.S. Patent No. 10,945,648 (“the ‘648 patent”); U.S. Patent No. 10,687,745 (“the ‘745 patent”); and U.S. Patent No. 7,761,127 (“the ‘127 patent”). *Id.* The amended complaint further alleged that an industry in the United States exists and/or is in the process of being established as required by section 337. *Id.* The notice of investigation named Apple Inc. of Cupertino, California (“Apple”) as the sole respondent. *Id.* at 46276. The Office of Unfair Import Investigations did not participate in this investigation. *Id.*

Before the presiding administrative law judge (“ALJ”) issued the final initial determination (“Final ID”), Complainants withdrew from the investigation certain asserted patent claims. *See* Order No. 25 (Mar. 23, 2022), *unreviewed* by Comm’n Notice (Apr. 12, 2022); Order No. 33 (May 20, 2022), *unreviewed* by Comm’n Notice (June 10, 2022). At the time of the Final ID, only claim 12 of the ‘501 patent, claims 22 and 28 of the ‘502 patent, claims 12, 24, and 30 of the ‘648 patent, claims 9, 18, and 27 of the ‘745 patent, and claim 9 of the ‘127 patent remained in the investigation. Claim 18 of the ‘745 patent remained at issue for purposes of the domestic industry only.

On January 10, 2023, the ALJ issued the Final ID, which found that Apple violated section 337 as to claims 24 and 30 of the ‘648 patent, but not as to claim 12 of the ‘501 patent, claims 22 and 28 of the ‘502 patent, claim 12 of the ‘648 patent, claims 9 and 27 of the ‘745 patent, and claim 9 of the ‘127 patent. *See* Final ID at 335–36.

On May 15, 2023, the Commission determined to review the Final ID in part. *See* 88 FR 32243, 32243–46 (May 19, 2023). The Commission requested briefing on certain issues under review and on remedy, the public interest, and bonding. *See id.*

On October 26, 2023, the Commission issued its final determination in this investigation, finding Apple in violation of section 337 as to claims 22 and 28 of the ‘502 patent and claims 12, 24, and 30 of the ‘648 patent. 88 FR 75032, 75032–33 (Nov. 1, 2023). The Commission issued: (1) a limited exclusion order (“LEO”) prohibiting the importation of light-based physiological measurement devices and components thereof that infringe one or more of claims 22 and 28 of the ‘502 patent and claims 12, 24, and 30 of the ‘648 patent;

and (2) a cease and desist order (“CDO”) directed to Apple. *Id.* The Commission determined that the public interest factors did not preclude issuance of the limited exclusion order or the cease and desist order. *Id.* The Commission further determined that no bond was to be required during the period of Presidential review. *See id.*; 19 U.S.C. 1337(j)(3).

On September 8, 2025, Masimo filed a petition with the Commission, pursuant to Commission Rule 210.76, requesting clarification of, or in the alternative, a modification proceeding to modify, the remedial orders issued against Apple. *See* Complainant Masimo’s Request for Clarification, or in the Alternative, Petition for Modification and Request for Expedited Treatment. Masimo also requested expedited treatment of its petition. *Id.* On September 15, 2025, Apple filed a response to Masimo’s petition, including objecting to the use of a modification proceeding under section 337(k) in this situation. *See* Respondent Apple Inc.’s Response to Masimo’s Request for Clarification, or in the Alternative, Petition for Modification and Request for Expedited Treatment. The Commission shortened the time for Apple to file its response. *See* Letter from Commission Secretary Barton to Counsel for Apple and Masimo, September 9, 2025. On September 22, 2025, Masimo and Apple provided a list of undisputed facts, disputed facts, and claim constructions at issue. Joint Proposed List of Undisputed Facts, Disputed Facts, and Disputed Claim Terms For September 22, 2025 Submission (“Joint Submission”).

The Commission, having reviewed the record in this investigation, including Masimo’s petition, Apple’s response thereto, and their Joint Submission, has determined to institute a combined modification and enforcement proceeding. Section 337(k)(1) provides for modification proceedings when “the conditions which led to such exclusion from entry or order no longer exist.” 19 U.S.C. 1337(k)(1). Commission Rule 210.76 implements the Commission’s modification proceedings and provides, in pertinent part: “Whenever any person believes that changed conditions of fact or law, or the public interest, require that [a remedial order] be modified or set aside, in whole or in part, such person may request . . . that the Commission make a determination that the conditions which led to the issuance of [the remedial order] no longer exist.” 19 CFR 210.76(a)(1). Rule 210.76 further states that the request “shall include materials and argument in support thereof.” *Id.* Section 337(b) provides the

Commission with the authority to enforce its remedial orders, and Commission Rule 210.75 implements the Commission's enforcement proceedings. *See VastFame Camera, Ltd. v. Int'l Trade Comm'n*, 386 F.3d 1108, 1115 (Fed. Cir. 2004).

The Commission has determined that Masimo's petition complies with section 337(b), section 337(k)(1), and Commission Rules 210.75 and 210.76. The Commission finds that the circumstances which lead to the LEO no longer exist and there is a changed condition of fact, inasmuch as Apple has presented a newly redesigned watch, the Apple Redesign 2 Watch, which was not presented during the investigation below.¹ The Commission further finds that Masimo's modification petition is tantamount to a request for enforcement of the LEO because it alleges a violation of the LEO. *See* 19 CFR 210.75(a). Accordingly, the Commission has determined that a combined modification and enforcement proceeding is proper to determine the narrow issue of whether the Apple Redesign 2 Watch should be excluded under the current terms of the LEO. The Commission notes that Masimo has not requested civil penalties. Accordingly, the Commission will not consider whether to issue civil penalties for any violation of the CDO in this proceeding, but may do so, upon request, in a subsequent proceeding.

To further define the issues, the Commission finds, as an initial matter, that the Apple Redesign 2 Watch on its own is a "wearable electronic device" with at least some "light-based pulse oximetry functionality" pursuant to paragraph 2 of the LEO, and as such, it is potentially subject to the terms of the LEO. *See* Joint Submission, ¶ 47; *Certain Light-Based Physiological Measurement Devices & Components Thereof*, Ruling Letter, Inv. No. 337-TA-1276, HQ H338254 at 13 (Jan. 7, 2025). The Commission further finds that Apple manufactured and imported into the United States the Apple Redesign 2 Watch. LEO, paragraph 1; Joint Submission, paragraphs 46, 47. Accordingly, the sole issue to be

resolved in this proceeding is whether the Apple Redesign 2 Watch "infringe[s]" claims 22 . . . of U.S. Patent No. 10,912,502 and claims 12, 24, and 30 of U.S. Patent No. 10,945,648." LEO, paragraph 1. The Commission has held that the term "infringe" as used in the Commission's LEOs is not limited to direct infringement but may also refer to, *inter alia*, induced infringement under 35 U.S.C. 271(b). *See e.g., Certain Voltage Regulators, Components Thereof and Products Containing Same*, Inv. No. 337-TA-564, Enforcement Comm'n Op., 2010 WL 4780068 at *4 (Aug. 3, 2010). Finally, the Commission notes that Masimo does not seek a determination of whether the Apple iPhone or the "Apple Redesign 1 Watch," *see* Joint Submission ¶¶ 26–31 (undisputed facts), should be excluded pursuant to the LEO, nor does Masimo seek a determination of whether any article infringes claim 28 of the '502 patent.

The Commission has determined to refer the proceedings to the Chief ALJ to designate a presiding ALJ to administer appropriate proceedings consistent with the Commission order issued herewith.

The Commission vote for this determination took place on November 13, 2025.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: November 14, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–20148 Filed 11–17–25; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Committee on Rules of Practice and Procedure; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Committee on Rules of Practice and Procedure; notice of open meeting.

SUMMARY: The Committee on Rules of Practice and Procedure will hold an in-person meeting in hybrid format with remote attendance options on January 6, 2026 in Washington, DC. The meeting is open to the public for observation but not participation. Please see the Supplementary Information section in

this notice for instructions on observing the meeting.

DATES: January 6, 2026 (meeting date) and December 30, 2025 (registration deadline for in-person observation).

ADDRESSES: An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: <https://www.uscourts.gov/forms-rules/records-rules-committees/agenda-books>.

FOR FURTHER INFORMATION CONTACT:

Carolyn A. Dubay, Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, RulesCommittee_Secretary@ao.uscourts.gov.

SUPPLEMENTARY INFORMATION:

To observe the meeting in person, individuals must contact the office listed above by 5 p.m. (eastern time) on December 30, 2025. After this deadline, only remote observation is permitted. Remote registration is available until the meeting date, provided it is completed before the projected end time.

(Authority: 28 U.S.C. 2073.)

Dated: November 13, 2025.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2025–20025 Filed 11–17–25; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

[OMB Number 1190–0019]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revisions of a Currently Approved Collection; Title—Requirement That Movie Theaters Provide Notice as to the Availability of Closed Movie Captioning and Audio Description for Digital Movies

AGENCY: Civil Rights Division, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Civil Rights Division, Disability Rights Section (DRS), Department of Justice 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 18, 2025.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated

¹ This proceeding includes the Apple Redesign 2 Watch presented to CBP, Joint Submission ¶ 32 (undisputed fact), and Apple Watches subject to a recent over-the-air software update in the United States, *id.* ¶¶ 46–48, 117–118, which collectively are the "Apple Redesign Watch 2." To the extent that there are any differences between the watches presented to CBP and the watches that have been subject to a recent over-the-air update, the ALJ can address those differences in the first instance. Moreover, to the extent that the allegedly infringing functionality requires a software update to an iPhone, it is assumed for this investigation that such an update has been applied. *Id.* ¶¶ 46, 116–117.

response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Roberta Kirkendall, Special Litigation Counsel, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, by mail at 4CON, 950 Pennsylvania Ave. NW, Washington, DC, 20530; send an email to DRS.PRA@usdoj.gov; or call (800) 514-0301 (voice) or (800) 514-0383 (TTY) (the Division's Information Line). Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to OIRA_submissions@omb.eop.gov. Include the title of this proposed collection: "Requirement that Movie Theaters Provide Notice as to the Availability of Closed Movie Captioning and Audio Description for Digital Movies," in the subject line of all written comments. You may obtain copies of this notice in an alternative format by calling the Americans with Disabilities Act (ADA) Information Line at (800) 514-0301 (voice) or (800) 514-0383 (TTY).

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on July 25, 2025, 90 FR 35316, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Written comments and recommendations for this information

collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the information collection or the OMB Control Number 1190-0019. 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:* Revisions of Currently Approved Collection.

2. *Title of the Form/Collection:* Requirement that Movie Theaters Provide Notice as to the Availability of Closed Movie Captioning and Audio Description for Digital Movies.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* OMB #1190-0019/Roberta Kirkendall.

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.

The Department of Justice's Civil Rights Division, Disability Rights Section (DRS), is seeking to extend its information collection arising from a regulatory provision that requires covered movie theaters to disclose information to the public regarding the availability of closed movie captioning and audio description for movies exhibited in a digital format (digital movies) shown in their auditoriums.

Title III of the Americans with Disabilities Act (ADA), at 42 U.S.C. 12182, prohibits public accommodations from discriminating against individuals with disabilities. The existing ADA title III regulation, at 28 CFR 36.303(a)–(g), requires covered entities to ensure effective communication with individuals with disabilities. The title III regulation clarifies that movie theaters that provide captioning or audio description for

digital movies must ensure "that all notices of movie showings and times at the box office and other ticketing locations, on websites and mobile apps, in newspapers, and over the telephone, inform potential patrons of the movies or showings that are available with captioning and audio description." 28 CFR 36.303(g)(8). This requirement does not apply to any third-party providers of films, unless they are part of or subject to the control of the public accommodation. *Id.* Movie theaters' disclosure of this information will enable individuals with hearing and vision disabilities to readily find out where and when they can have access to digital movies with these features.

5. *Obligation to Respond:*

This information collection is required to comply with statutory and regulatory obligations under title III. Under 42 U.S.C. 12182(b)(2)(A)(iii), public accommodations must take steps to ensure that individuals with disabilities are not denied services because of the absence of auxiliary aids and services, unless doing so would result in an undue burden or fundamental alteration. Pursuant to 42 U.S.C. 12186(b), the Attorney General is authorized to issue regulations to carry out title III. The Department's implementing regulation at 28 CFR 36.303(g)(8) requires covered movie theaters to provide information to the public about the availability of closed movie captioning and audio description for digital movies. This public disclosure obligation is the basis for this Information Collection Request (ICR).

6. *Total Estimated Number of Respondents:*

The Department's initial PRA request for this collection relied on U.S. Census Bureau data from 2012 and estimated that there was a total of 1,876 firms owning one or more movie theaters in the United States that were potentially subject to this disclosure. *See* 81 FR 37643 (June 10, 2016). The most recent U.S. Census Bureau data, from 2022, estimated that there was a total of 1,813 firms owning one or more movie theaters. *See* U.S. Census Bureau, 2022 SUBS Annual Data Tables by Establishment Industry, Data by Enterprise Employment Size, U.S., 6-digit NAICS (512131). As the vast majority of U.S. movie theaters now show digital movies, which typically allow for closed captioning and audio description, to the extent that each of these movie theater firms that shows digital movies provides notices of movie showings and times to the public about those films, they must provide information concerning the availability

of closed movie captioning and audio description in their communications.

7. *Estimated Time per Respondent:* 8.7 hours per year.

The Department acknowledges that the amount of time it will take a respondent to comply with this requirement may vary depending on the number of digital movies that the respondent is showing at any given time. Based on information gathered during the initial rulemaking process, the Department estimates that respondents will take an average of up to 10 minutes each week to update existing notices of digital movie showings and times with closed captioning and audio description information. Therefore, the Department estimates that each firm owning one or more theaters offering digital movies with closed captioning or audio description will spend approximately $((10 \text{ minutes/week} \times 52 \text{ weeks/year}) \div 60 \text{ minutes/hour})$ 8.7 hours each year to comply with this requirement.

The Department anticipates that firms owning one or more movie theaters will likely update their existing listings of digital movie showings and times to include information concerning the availability of closed movie captioning and audio description on a regular basis. The Department's research suggests that this information would only need to be updated whenever a new digital movie with these features is added to the schedule. This will vary as some digital movies stay on the schedule for longer periods of time than others, but the Department estimates that respondent firms will update their listings to include this information weekly. In the future, if all movies are distributed with these accessibility features, specific notice on a movie-by-movie basis may no longer be necessary and firms owning movie theaters may only need to advise the public that they provide closed captioning and audio description for all of their digital movies.

8. *Frequency:*

The Department anticipates that firms owning one or more movie theaters will likely update their existing listings of digital movie showings and times to include information concerning the availability of closed movie captioning and audio description on a regular basis. The Department's research suggests that this information would only need to be updated whenever a new digital movie with these features is added to the schedule. This will vary as some digital movies stay on the schedule for longer periods of time than others, but the Department estimates that respondent firms will update their listings to include this information weekly. In the

future, if all movies are distributed with these accessibility features, specific notice on a movie-by-movie basis may no longer be necessary and firms owning movie theaters may only need to advise the public that they provide closed captioning and audio description for all of their digital movies.

9. *Total Estimated Annual Time Burden:* The estimated public burden associated with this collection is 15712.67 hours. The Department estimates that respondents will take an average of 10 minutes each week to update their existing listings of digital movie showings and times with the required information about closed captions and audio description. If each respondent spends 10 minutes each week to update its notices of digital moving showings and times to include this information, the average movie theater firm will spend 8.7 hours annually $((10 \text{ minutes/week} \times 52 \text{ weeks/year}) \div 60 \text{ minutes/hour})$ complying with this requirement. The Department expects that the annual public burden hours for disclosing this information will total $(1,813 \text{ respondents} \times 8.7 \text{ hours/year})$ 15,713 hours.

10. *Total Estimated Annual Other Costs Burden:* Yearly costs to industry are estimated to be \$0, as updates to communications and advertisements listing digital movie showings and times are normal tasks performed by movie theater personnel and any additional work related to this public disclosure requirement is minimal (e.g., adding symbols to indicate the availability of closed movie captioning and audio description next to a digital movie title).

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W-218 Washington, DC 20530.

Dated: November 14, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-20223 Filed 11-17-25; 8:45 am]

BILLING CODE 4410-13-P

DEPARTMENT OF JUSTICE

[OMB Number 1117-0033]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Title—Report of Mail Order Transactions

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Division (DEA), 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 18, 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: Heather E. Achbach, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 776-2265. Email: Heather.E.Achbach@dea.gov or DEA.PRA@dea.gov.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register**, at 90 FR 42986, on September 5, 2025, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain.

Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the information collection or the OMB Control Number 1117–0033. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.
2. *Title of the Form/Collection:* Report of Mail Order Transactions.
3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form number: None. The Department of Justice component is the Drug Enforcement Administration, Diversion Control Division.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:*
Affected Public: Business or other for-profits.
Abstract: The Drug Enforcement Administration (DEA) collects information regarding mail order transactions conducted between a person regulated by the agency and a nonregulated person (that is, someone who does not further distribute the product) involving the chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. Transactions must use, or attempt to use, the United States Postal Service or any private or commercial carrier.
5. *Obligation to Respond:* The obligation to respond is mandated by 21 U.S.C. 830(b)(3).
6. *Total Estimated Number of Respondents:* 18.
7. *Estimated Time per Respondent:* 1 hour.
8. *Frequency:* 12 times per year (monthly).
9. *Total Estimated Annual Time Burden:* 216.
10. *Total Estimated Annual Other Costs Burden:* The estimated annual cost burden is zero. Respondents are not estimated to incur any (a) additional

start-up cost or capital expenditure, or (b) additional operation and maintenance costs or purchase services because of this information collection.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: November 14, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–20216 Filed 11–17–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2023–0013]

Element Materials Technology Portland—Evergreen Inc.: Applications for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the applications of Element Materials Technology Portland—Evergreen Inc. for expansion of the scope of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency’s preliminary finding to grant the applications.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before December 3, 2025.

ADDRESSES: Comments may be submitted as follows:

Electronically: You may submit comments, including attachments, electronically at <http://www.regulations.gov>, the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency’s name and the docket number for this rulemaking (Docket No. OSHA–2023–0013). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public or submitting materials that contain personal

information (either about themselves or others), such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov>. Documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Extension of comment period: Submit requests for an extension of the comment period on or before December 3, 2025 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT:

Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, phone: (202) 693–1999 or email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693–1911 or email: robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that Element Materials Technology Portland—Evergreen Inc. (EMT) is applying for expansion of the current recognition as a NRTL. EMT requests the addition of ten recognized testing standards and one recognized testing site to the NRTL scope of recognition.

OSHA’s recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products

covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including EMT, which details the NRTL's scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

II. General Background on the Applications

EMT submitted an application to OSHA for expansion of the NRTL scope of recognition. The application, dated November 7, 2024 (OSHA–2023–0013–0005), requested the expansion of the NRTL scope of recognition to include one additional test site located at: Pendle Place, Pimbo Industrial Estate, Skelmersdale, WN8 9PN, United Kingdom and seven additional test standards. That application was updated on February 5, 2025 (OSHA–2023–0013–0006) to add two standards to the original submission and again on March 11, 2025 (OSHA–2023–0023–0007) to add one additional standard to the original submission. In total, the expansion applications requested the addition of a total of ten standards and one site to the NRTL scope of recognition. OSHA staff performed an on-site review of EMT's testing facilities at Element Materials Technology Skelmersdale on March 6–7, 2025, in which assessors found some nonconformances with the requirements of 29 CFR 1910.7. EMT has addressed these issues sufficiently, and OSHA staff has preliminarily determined that OSHA should grant the applications.

Table 1, below, lists the appropriate test standards found in EMT's applications for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED APPROPRIATE TEST STANDARDS FOR INCLUSION IN EMT'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
NFPA 496	Purged and Pressurized Enclosures for Electrical Equipment.
UL 508A	Industrial Control Panels.
UL 913	Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division I, Hazardous (Classified) Locations.
UL 1203	Explosion-Proof and Dust-Ignition-Proof Electrical Equipment for Use in Hazardous (Classified) Locations.
UL 121201	Nonincendive Electrical Equipment for Use in Class I and II, Division 2 and Class III, Divisions 1 and 2 Hazardous (Classified) Locations.
UL 60079–0 ...	Explosive Atmospheres—Part 0: Equipment—General Requirements.
UL 60079–7 ...	Explosive Atmospheres—Part 7: Equipment Protection by Increased Safety “e”.
UL 60079–11	Explosive Atmospheres—Part 11: Equipment Protection by Intrinsic Safety “i”.
UL 60079–1 ...	Explosive Atmospheres—Part 1: Equipment Protection by Flameproof Enclosures “d”.
UL 60079–2 ...	Explosive Atmospheres—Part 2: Protection by Pressurized Enclosures “p”.

III. Preliminary Findings on the Applications

EMT submitted acceptable applications for expansion of the scope of recognition. OSHA's review of the application files and pertinent documentation indicates that EMT has met the requirements prescribed by 29 CFR 1910.7 for expanding the recognition to include the addition of one proposed test site and the ten test standards for NRTL testing and certification listed in Table 1. This preliminary finding does not constitute an interim or temporary approval of EMT's applications.

OSHA seeks comment on this preliminary determination.

IV. Public Participation

OSHA welcomes public comment as to whether EMT meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at <https://www.regulations.gov> under Docket No. OSHA–2023–0013 (for further information, see the “Docket” heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant EMT's applications for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the applications. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

V. Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 7–2025 (90 FR 27878; June 30, 2025), and 29 CFR 1910.7.

Signed at Washington, DC, on September 22, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2025–20026 Filed 11–17–25; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

731st Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on December 3–5, 2025. In addition, the ACRS is implementing Section 4.(b) of Executive Order (E.O.) 14300, “Ordering the Reform of the Nuclear Regulatory Commission,” dated May 23, 2025, which states, in part, that the functions of the ACRS shall be reduced to the minimum necessary to fulfill ACRS’s statutory obligations and that review by ACRS of permitting and licensing issues shall focus on issues that are truly novel and noteworthy. The ACRS will only undertake other work as directed by the Commission in accordance with Sections 29 and 182b of the Atomic Energy Act.

The Committee will be conducting meetings that will include some Members being physically present at the headquarters of the U.S. Nuclear Regulatory Commission (NRC) while other Members participate remotely. Interested members of the public are encouraged to participate remotely in any open sessions via Microsoft Teams or via phone at 301–576–2978, passcode 588404761#. A more detailed agenda, including the Microsoft Teams link, may be found at the ACRS public website at <https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/index.html>. If you would like the Microsoft Teams link forwarded to you, please contact the Designated Federal Officer (DFO) as follows: Quynh.Nguyen@nrc.gov, or Lawrence.Burkhart@nrc.gov.

Wednesday, December 3, 2025

1:00 p.m.–1:05 p.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

1:05 p.m.–5:00 p.m.: Self-Assessment/Lessons Learned/Path Forward/Planning and Procedures Session/Future ACRS Activities/Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)—The Committee will have a discussion on lessons learned from recent reviews and plan for future reviews; hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the

Full Committee during future ACRS meetings; have Committee deliberations; proceed to preparation of reports; and conduct election of officers.

[Note: Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]

[Note: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Thursday, December 4, 2025

8:30 a.m.–12:00 p.m.: Palisades Nuclear Plant Restart Activities—Steam Generator Operational Assessment Discussion/Planning and Procedures Session/Future ACRS Activities/Preparation of Reports (Open/Closed)—The Committee will hear remarks from an ACRS Subcommittee Chairman and have a discussion with the NRC staff regarding the subject topic. The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings and proceed to preparation of reports.

[Note: Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]

[Note: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

12:00 p.m.–5:00 p.m.: Self-Assessment/Lessons Learned/Path Forward/Planning and Procedures Session/Future ACRS Activities/Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)—The Committee will have a discussion on lessons learned from recent reviews and plan for future reviews; hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings; have Committee deliberations; and proceed to preparation of reports.

[Note: Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]

[Note: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Friday, December 5, 2025

8:30 a.m.–5:00 p.m.: Self-Assessment/Lessons Learned/Path Forward/Planning and Procedures Session/Future ACRS Activities/Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)—The Committee will have a discussion on lessons learned from recent reviews and plan for future reviews; hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings; have Committee deliberations; and proceed to preparation of reports.

[Note: Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]

[Note: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on July 22, 2025 (90 FR 34522). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the DFO (Telephone: 301–415–5844, Email: Quynh.Nguyen@nrc.gov), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the cognizant ACRS staff at least three days before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at pdr.resource@nrc.gov, the ACRS public website, or by calling the PDR at 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern daylight time (EDT), Monday through Friday, except Federal holidays, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System, which is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html> or <https://www.nrc.gov/reading-rm/doc-collections/#ACRS/>.

Dated: November 14, 2025.

For the Nuclear Regulatory Commission.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2025-20218 Filed 11-17-25; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026-91 and K2026-92]

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.

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.

II. Public Proceeding(s)

None. See Section III for summary proceedings.

III. Summary Proceeding(s)

1. *Docket No(s).*: MC2026-91 and K2026-92; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM-GA Contract 915, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 12, 2025; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2025-20049 Filed 11-17-25; 8:45 am]

BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0208]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 17a-1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or "Commission") is submitting to the Office of Management and Budget ("OMB") this request for an extension of the proposed collection of information in Rule 17a-1.

Rule 17a-1 (17 CFR 240.17a-1) requires that every national securities exchange, national securities association, registered clearing agency, and the Municipal Securities Rulemaking Board keep on file for a period of not less than five years, the first two years in an easily accessible place, at least one copy of all documents, including all correspondence, memoranda, papers, books, notices, accounts, and other such records made or received by it in the course of its business as such and in the conduct of its self-regulatory activity,

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).

and that such documents be available for examination by the Commission.

There are 38 entities required to comply with the rule: 28 national securities exchanges, 1 national securities association, 8 registered clearing agencies, and the Municipal Securities Rulemaking Board. The Commission staff estimates that the average number of hours necessary for compliance with the requirements of Rule 17a-1 by each entity is 52 hours per year. In addition, 3 national securities exchanges notice-registered pursuant to Section 6(g) of the Act (15 U.S.C. 78f(g)) are required to preserve records of determinations made under Rule 3a55-1 under the Act (17 CFR 240.3a55-1), which the Commission staff estimates will take 1 hour per exchange per year, for a total of 3 hours per year. Accordingly, the Commission staff estimates that the total number of hours necessary to comply with the requirements of Rule 17a-1 is 1,979 hours per year.

The collection of information is mandatory and is kept confidential as permitted by the Freedom of Information Act (5 U.S.C. 552 *et seq.*).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202507-3235-021 or email comment to MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov within 30 days of the day after publication of this notice, by December 19, 2025.

Dated: November 14, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-20182 Filed 11-17-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0033]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 17a-3

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities

and Exchange Commission (SEC or “Commission”) is submitting to the Office of Management and Budget (“OMB”) this request for an extension of the proposed collection of information in Rule 17a-3.

Rule 17a-3, 17 CFR 240.17a-3, under the Securities Exchange Act of 1934 establishes minimum standards with respect to business records that broker-dealers registered with the Commission must make and keep current. These records are maintained by the broker-dealer (in accordance with a separate rule), so they can be used by the broker-dealer and reviewed by Commission examiners, as well as other regulatory authority examiners, during inspections of the broker-dealer.

The collections of information included in Rule 17a-3 are necessary to enable the Commission, self-regulatory organization (“SRO”), and state examiners to conduct effective and efficient examinations to determine whether broker-dealers are complying with relevant laws, rules, and regulations. If broker-dealers were not required to create these baseline, standardized records, Commission, SRO, and state examiners could be unable to determine whether broker-dealers are in compliance with the Commission’s antifraud and anti-manipulation rules, financial responsibility program, and other Commission, SRO, and State laws, rules, and regulations.

The collection of information is mandatory and is confidential subject to the provisions of the Freedom of Information Act (5 U.S.C. 552).

As of December 31, 2024 there were 3,342 broker-dealers registered with the Commission. The Commission estimates that these broker-dealer respondents incur a total hour burden of approximately 9,818,416 hours per year to comply with Rule 17a-3.

In addition, Rule 17a-3 contains ongoing operation and maintenance costs for broker-dealers, including the cost of postage to provide customers with account information, and costs for equipment and systems development. The Commission estimates that the total cost burden associated with Rule 17a-3 would be approximately \$138,852,510 per year.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202507-3235-017 email comment to

MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov within 30 days of the day after publication of this notice, by December 19, 2025.

Dated: November 14, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-20180 Filed 11-17-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0564]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 17a-6

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the “Commission”) has submitted to the Office of Management and Budget (“OMB”) a request for extension of the previously approved collection of information discussed below.

Section 17(a) of the Investment Company Act of 1940 (the “Act”) generally prohibits affiliated persons of a registered investment company (“fund”) from borrowing money or other property from, or selling or buying securities or other property to or from, the fund or any company that the fund controls. Rule 17a-6 (17 CFR 270.17a-6) permits a fund, or a company controlled by the fund, and a “portfolio affiliate” of the fund (a company that is an affiliated person of the fund because the fund controls the company, or holds five percent or more of the company’s outstanding voting securities) to engage in principal transactions that would otherwise be prohibited under section 17(a) of the Act under certain conditions. A fund may not rely on the exemption in the rule to enter into a principal transaction with a portfolio affiliate if certain prohibited participants (e.g., directors, officers, employees, or investment advisers of the fund) have a financial interest in a party to the transaction. Rule 17a-6 specifies certain interests that are not “financial interests,” including any interest that the fund’s board of directors (including a majority of the directors who are not interested persons of the fund) finds to be not material. A board making this finding is required to

record the basis for the finding in its meeting minutes. This recordkeeping requirement is a collection of information under the Paperwork Reduction Act of 1995 ("PRA").

The rule is designed to permit transactions between funds and their portfolio affiliates in circumstances in which it is unlikely that the affiliate would be in a position to take advantage of the fund. In determining whether a financial interest is "material," the board of the fund should consider whether the nature and extent of the interest in the transaction is sufficiently small that a reasonable person would not believe that the interest affected the determination of whether to enter into the transaction or arrangement or the terms of the transaction or arrangement. The information collection requirements in rule 17a-6 are intended to ensure that Commission staff can review, in the course of its compliance and examination functions, the basis for a board of director's finding that the financial interest of an otherwise prohibited participant in a party to a transaction with a portfolio affiliate is not material.

Based on public filings made with the Commission, we estimate that annually 326 funds and their series (collectively, "funds") may rely on rule 17a-6 to engage in otherwise prohibited transactions under section 17(a) of the 1940 Act. This estimate is based on publicly available Form N-CEN filings. For the purposes of this PRA extension, we assume that each of these funds has engaged in one transaction per reporting period and that in thirty percent of those transactions a prohibited participant will have a financial interest in a party to the transaction that the board of directors of the affected investment company will consider for purposes of determining whether that financial interest is material. We therefore estimate that annually 98 funds made a board determination that resulted in a paperwork burden pursuant to rule 17a-6.

We estimate that compliance with the recordkeeping requirement for rule 17a-6 will impose a burden of .2 hours (12 minutes) in clerical and computer operator costs for each transaction for which there is a paperwork burden. Additionally, we are now estimating that rule 17a-6 will impose a burden of .5 hours for the board of directors to determine and document the basis of the materiality of a financial interest. Therefore, we estimate 69 burden hours to be associated with rule 17a-6 requirements annually, with an associated internal cost of \$282,681.

The estimate of burden hours and burden costs is made solely for the purposes of the PRA. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. Complying with this collection of information requirement is necessary to obtain the benefit of relying on rule 17a-6. 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 control number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

The public may view and comment on this information collection request at: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202508-3235-001 or email comment to MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov within 30 days of the day after publication of this notice, by December 19, 2025.

Dated: November 14, 2025.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-20179 Filed 11-17-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0383]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Form F-7—Registration Statement

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget

("OMB") this request for extension of the previously approved collection of information discussed below.

Form F-7 (17 CFR 239.37) is a registration statement under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) used to register securities that are offered for cash upon the exercise of rights granted to a registrant's existing security holders to purchase or subscribe such securities. The information collected is intended to ensure the adequacy of information available to investors in connection with securities offerings. The information required by Form F-7 is mandatory, and Form F-7 is publicly available on the Commission's Electronic Data Gathering, Analysis, and Retrieval ("EDGAR") system. We estimate that Form F-7 is filed once per year by an average of 3 respondents annually. We estimate that Form F-7 has a burden of 1 hour per response for an estimated annual reporting burden of 3 hours (1 hour per response $\times$ 3 responses annually). We further estimate that Form F-7 has a cost burden of \$1,800 per response for an estimated annual cost burden of \$5,400 (\$1,800 per response $\times$ 3 responses annually).

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 public may view and comment on this information collection request at: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202507-3235-009 or send an email comment to MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov within 30 days of the day after publication of this notice by December 19, 2025.

Dated: November 14, 2025.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-20178 Filed 11-17-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104179; File No. 4–698]

Joint Industry Plan; Notice of Designation of a Longer Period for Commission Action on a Proposed Amendment, as Modified by Amendment No. 1, to the National Market System Plan Governing the Consolidated Audit Trail Regarding the Customer and Account Information System

November 14, 2025.

I. Introduction

On March 7, 2025, the Consolidated Audit Trail, LLC (“CAT LLC”), on behalf of the following parties to the National Market System Plan Governing the Consolidated Audit Trail (the “CAT NMS Plan” or “Plan”):¹ BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, Long-Term Stock Exchange, Inc., MEMX, LLC, Miami International Securities Exchange LLC, MIAx Emerald, LLC, MIAx PEARL, LLC, MIAx Sapphire, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. (collectively, the “Participants”) filed with the Securities and Exchange Commission (“Commission” or “SEC”) pursuant to section 11A(a)(3) of the Securities Exchange Act of 1934 (“Exchange Act”),² and Rule 608 thereunder,³ a proposed amendment to the CAT NMS Plan (the “Proposed Amendment”) to reduce the amount of Customer⁴ information in the CAT

Customer and Account Information System (“CAIS”).⁵ The Proposed Amendment was published for comment in the **Federal Register** on March 19, 2025 (“Notice”).⁶

On May 28, 2025, the Participants filed Amendment No. 1 to the Proposed Amendment (“Amendment No. 1”).⁷ On June 17, 2025, the Commission noticed Amendment No. 1 for comment and instituted proceedings to determine whether to approve or disapprove the Proposed Amendment, as modified by Amendment No. 1.⁸ On September 11, 2025, pursuant to Rule 608(b)(2)(i) of Regulation NMS,⁹ the Commission extended the period within which to conclude proceedings regarding the Proposed Amendment, as modified by Amendment No. 1, to 240 days from the date of publication of the Notice.¹⁰ The 240th day after publication of the Notice is November 14, 2025.

Rule 608(b)(2)(ii) of Regulation NMS provides that the time for conclusion of proceedings to determine whether a national market system plan or proposed amendment should be approved or disapproved may be extended for an additional period up to 60 days (up to 300 days from the date of notice publication) if the Commission determines that a longer period is appropriate and publishes the reasons for such determination or the plan participants consent to the longer period.¹¹ The Commission is extending this 240-day period.

The Commission finds that it is appropriate to designate a longer period within which to conclude proceedings regarding the Proposed Amendment, as modified by Amendment No. 1, so that it has sufficient time to consider the

for such account, if different from the account holder(s).” See CAT NMS Plan, *supra* note 1, at section 1.1.

⁵ See Letter from Brandon Becker, CAT NMS Plan Operating Committee Chair, dated March 7, 2025.

⁶ See Securities Exchange Act Release No. 102665 (Mar. 13, 2025), 90 FR 12845. Comments received in response to the Notice can be found on the Commission’s website at <https://www.sec.gov/comments/4-698/4-698-f.htm>. 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), 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.

⁷ See Letter from Brandon Becker, CAT NMS Plan Operating Committee Chair, dated May 28, 2025.

⁸ See Securities Exchange Act Release No. 103288, 90 FR 26637 (June 23, 2025). Comments received in response to Amendment No. 1 can be found on the Commission’s website at <https://www.sec.gov/comments/4-698/4-698-f.htm>.

⁹ See 17 CFR 242.608(b)(2)(i).

¹⁰ See Securities Exchange Act Release No. 103946, 90 FR 44734 (Sept. 16, 2025).

¹¹ See 17 CFR 242.608(b)(2)(ii).

important policy issues raised by the Proposed Amendment, as modified by Amendment No. 1, and the comments received. Accordingly, pursuant to Rule 608(b)(2)(ii) of Regulation NMS,¹² the Commission designates January 13, 2026 as the date by which the Commission shall conclude the proceedings to determine whether to approve or disapprove the Proposed Amendment, as modified by Amendment No. 1 (File No. 4–698).

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20226 Filed 11–17–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0219]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Reinstatement With Change: Rule 30a–1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the “Commission” or “SEC”) has submitted to the Office of Management and Budget a request for reinstatement of the previously approved collection of information discussed below.

The title for the collection of information is “Rule 30a–1 (17 CFR 270.30a–1) under the Investment Company Act of 1940.”

The Commission is seeking to reinstate the Paperwork Reduction Act (“PRA”) information collection request for rule 30a–1 (17 CFR 270.30a–1) under the Investment Company Act of 1940 under OMB control number 3235–0219 for the purpose of discontinuing this information collection. The last Commission request for OMB approval under this control number was submitted in May of 2000. Rule 30a–1 is an active rule, but it has been amended since the last PRA submission in 2000. The current rule requires investment companies and unit investment trusts to file an annual report on Form N–CEN at least every twelve months. The burden associated with the information request outlined

¹ In 2012, the Commission adopted Rule 613 of Regulation NMS, which required the Participants to jointly develop and submit to the Commission a national market system plan to create, implement, and maintain a consolidated audit trail (the “CAT”). See Securities Exchange Act Release No. 67457 (July 18, 2012), 77 FR 45722 (Aug. 1, 2012); 17 CFR 242.613 (“Rule 613”). On November 15, 2016, the Commission approved the CAT NMS Plan. See Securities Exchange Act Release No. 79318, 81 FR 84696 (Nov. 23, 2016) (“CAT NMS Plan Approval Order”). The CAT NMS Plan is Exhibit A to the CAT NMS Plan Approval Order. See CAT NMS Plan Approval Order, at 84943–85034.

² 15 U.S.C. 78k–1(a)(3).

³ 17 CFR 242.608.

⁴ A “Customer” means “the account holder(s) of the account at a registered broker-dealer originating the order; and any person from whom the broker-dealer is authorized to accept trading instructions

¹² *Id.*

within rule 30a-1 is contained within the information collection request for Form N-CEN under OMB control number 3235-0729. Thus, there has been no lapse in reporting the burden associated with rule 30a-1. Since the burden is being reported under an alternative ICR, the Commission is seeking to reinstate the rule 30a-1 ICR under control number 3235-0729 in order to have it properly discontinued. Moving forward, the Commission will reference rule 30a-1 within the ICR for Form N-CEN.

The requirements of this collection of information are mandatory. Responses will not be kept confidential. 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 control number.

The public may view and comment on this information collection request at: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202507-3235-014 or email comment to MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov within 30 days of the day after publication of this notice, by December 19, 2025.

Dated: November 14, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-20183 Filed 11-17-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0035]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 17a-13

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or "Commission") is submitting to the Office of Management and Budget ("OMB") this request for an extension of the proposed collection of information in Rule 17a-13.

Rule 17a-13(b) (17 CFR 240.17a-13(b)) generally requires that at least once each calendar quarter, all registered brokers-dealers physically examine and count all securities held and account for all other securities not in their possession, but subject to the

broker-dealer's control or direction. Any discrepancies between the broker-dealer's securities count and the firm's records must be noted and, within seven days, the unaccounted for difference must be recorded in the firm's records. Rule 17a-13(c) (17 CFR 240.17a-13(c)) provides that under specified conditions, the count, examination, and verification of the broker-dealer's entire list of securities may be conducted on a cyclical basis rather than on a certain date. Although Rule 17a-13 does not require broker-dealers to file a report with the Commission, discrepancies between a broker-dealer's records and the securities counts may be required to be reported, for example, as a loss on Form X-17a-5 (17 CFR 248.617), which must be filed with the Commission under Exchange Act Rule 17a-5 (17 CFR 240.17a-5). Rule 17a-13 exempts broker-dealers that limit their business to the sale and redemption of securities of registered investment companies and interests or participation in an insurance company separate account and those who solicit accounts for federally insured savings and loan associations, provided that such persons promptly transmit all funds and securities and hold no customer funds and securities. Rule 17a-13 also does not apply to certain broker-dealers required to register only because they effect transactions in securities futures products.

Rule 17a-13 requires the recording of only those differences in the broker-dealer's records that remain unresolved seven business days after the date of the examination, count, and verification. The Commission or the self-regulatory organization ("SRO") designated as the broker-dealer's examining authority may examine these recorded discrepancies in a broker-dealer's records to determine whether they are the result of the firm's inability to maintain control of its business.

The information obtained from Rule 17a-13 is used as an inventory control device to monitor a broker-dealer's ability to account for all securities held in transfer, in transit, pledged, loaned, borrowed, deposited, or otherwise subject to the firm's control or direction. Discrepancies between the securities counts and the broker-dealer's records alert the Commission and applicable SROs to those firms experiencing back-office operational issues.

As of December 2024, there were approximately 3,342 active broker-dealers registered with the Commission. However, given the variability in their businesses, it is difficult to quantify how many hours per year each broker-dealer spends complying with Rule

17a-13. As noted, Rule 17a-13 requires a broker-dealer to account for all securities in its possession or subject to its control or direction. Many broker-dealers hold few, if any, securities, while others hold large quantities. Therefore, the time burden of complying with Rule 17a-13 will depend on respondent-specific factors, including size, number of customers, and proprietary trading activity. The staff estimates that the average time spent per respondent is 100 hours per year on an ongoing basis to maintain the records required under Rule 17a-13. This estimate takes into account the fact that more than half of the 3,342 respondents—according to financial reports filed with the Commission—may spend little or no time complying with Rule 17a-13, given that they do not do a public securities business or do not hold inventories of securities. For these reasons, the staff estimates that the total recordkeeping burden per year is approximately 334,200 hours (3,342 respondents × 100 hours/respondent).

The records required to be made by Rule 17a-13 are available only to Commission examination staff, state securities authorities, and applicable SROs. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. 522, and the Commission's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

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 public may view and comment on this information collection request at: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202508-3235-002 or email comment to MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov within 30 days of the day after publication of this notice, by December 19, 2025.

Dated: November 14, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-20181 Filed 11-17-25; 8:45 am]

BILLING CODE 8011-01-P

SOCIAL SECURITY ADMINISTRATION**[Docket No. SSA–2024–0015]****Privacy Act of 1974; System of Records****AGENCY:** Social Security Administration (SSA).**ACTION:** Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, we are issuing public notice of our intent to modify an existing system of records entitled, Freedom of Information Act (FOIA) and Privacy Act Record Request and Appeal System (60–0340), last published on July 13, 2016. This notice publishes details of the modified system as set forth below under the caption, **SUPPLEMENTARY INFORMATION.**

DATES: The system of records notice (SORN) is applicable upon its publication in today's **Federal Register**, with the exception of the new routine uses, which are effective December 18, 2025.

We invite public comment on the routine uses or other aspects of this SORN. In accordance with the Privacy Act of 1974, we are providing the public a 30-day period in which to submit comments. Therefore, please submit any comments by December 18, 2025.

ADDRESSES: The public, Office of Management and Budget (OMB), and Congress may comment on this publication by writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, SSA, Room G–401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, or through the Federal e-Rulemaking Portal at <https://www.regulations.gov>. Please reference docket number SSA–2024–0015. All comments we receive will be available for public inspection at the above address and we will post them to <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Tristin Dorsey, Government Information Specialist, Privacy Implementation Division, Office of Privacy and Disclosure, Office of the General Counsel, SSA, Room G–401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, telephone: (410) 966–5855, email: OGC.OPD.SORN@ssa.gov.

SUPPLEMENTARY INFORMATION: We are clarifying the system location to recognize that we may also maintain records in a cloud-based environment. We are updating the authorities for the maintenance of the system to remove references to SSA regulations. We are

clarifying the purpose of the system for easier reading. We are revising routine use Nos. 2, 3, 4, and 9 for easier reading. We are adding a new routine use that will permit disclosures to third parties, when an individual involved with a request needs assistance to communicate because of a hearing impairment or a language barrier (e.g., to interpreters, telecommunications relay system operators).

In addition, we are modifying the policies and practices for the storage of records to clarify that SSA will maintain electronic records only. We are updating the records retention and disposal schedules. We are modifying the administrative, technical, and physical safeguards for easier reading. We are modifying the record access procedures to remove references to telephone, for consistency with agency access procedures.

Lastly, we are modifying the notice throughout to correct miscellaneous stylistic formatting and typographical errors of the previously published notice, and to ensure the language reads consistently across multiple systems. We are republishing the entire notice for ease of reference.

In accordance with 5 U.S.C. 552a(r), we have provided a report to OMB and Congress on this modified system of records.

Matthew Ramsey,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

SYSTEM NAME AND NUMBER:

Freedom of Information Act (FOIA) and Privacy Act Record Request and Appeal System, 60–0340.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Social Security Administration, Office of Law and Policy, Office of the General Counsel, Office of Privacy and Disclosure, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

Social Security Administration, Office of Operations, Office of Central Operations, Division of Earnings and Business Services, 6100 Wabash Avenue, Baltimore, Maryland 21290–3022.

Regional offices in receipt of original request (See Appendix C at https://www.ssa.gov/privacy/sorn/app_c.htm for address information).

Information is also located in additional locations in connection with cloud-based services for business continuity purposes.

SYSTEM MANAGER(S):

Social Security Administration, Freedom of Information Officer, Office of Law and Policy, Office of the General Counsel, Office of Privacy and Disclosure, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–5855.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1106 of the Social Security Act, as amended (42 U.S.C. 1306); Freedom of Information Act, as amended (5 U.S.C. 552); Privacy Act of 1974, as amended (5 U.S.C. 552a); and Records Management by Federal Agencies, as amended (44 U.S.C. 3101).

PURPOSE(S) OF THE SYSTEM:

We will use the information in this system to process requests and administrative appeals under the FOIA and the Privacy Act; support agency participation in litigation arising from requests and appeals; assign, process, and track workloads; and provide management information reports.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information about individuals who submit FOIA or Privacy Act requests, including but not limited to Privacy Act access requests, amendments, and administrative appeals to SSA; FOIA requests and appeals; individuals whose request for records have been referred to SSA by other agencies; individuals who submit inquiries to SSA regarding federal agency compliance with the FOIA; attorneys representing individuals submitting records requests and appeals; individuals who are the subject of such requests and appeals; and SSA personnel assigned to handle such requests and appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of records received, created, or compiled in response to FOIA and Privacy Act requests or administrative appeals. This may include original requests and administrative appeals; responses to such requests and administrative appeals; all related memoranda, correspondence, notes, and other related or supporting documentation; and copies of requested records relating to original requests and administrative appeals. This system also consists of records related to inquiries submitted to SSA regarding federal agency compliance with the FOIA, and all records related to resolution of such inquiries.

RECORD SOURCE CATEGORIES:

We obtain information in this system of records from individuals who submit Privacy Act requests or FOIA requests, primarily from the person to whom the record pertains; third parties, such as legal guardians, appointed representatives, and representative payees; and local, State, and Federal agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

We will disclose records pursuant to the following routine uses; however, we will not disclose any information defined as “return or return information” under 26 U.S.C. 6103 of the Internal Revenue Code (IRC), unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To the Office of the President, in response to an inquiry received from that office made on behalf of, and at the request of, the subject of record or a third party acting on the subject’s behalf.

2. To a congressional office, in response to an inquiry from that office made on behalf of, and at the request of, the subject of the record.

3. To the Department of the Treasury, IRS, for the purpose of auditing SSA’s compliance with the safeguard provisions of the IRC of 1986, as amended.

4. To the Department of Justice (DOJ), a court or other tribunal, or another party before such court or tribunal, when:

- (a) SSA, or any component thereof; or
- (b) any SSA employee in the employee’s official capacity; or
- (c) any SSA employee in the employee’s individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) the United States or any agency thereof where SSA determines the litigation is likely to affect SSA or any of its components, SSA is a party to the litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, a court or other tribunal, or another party before the tribunal, is relevant and necessary to the litigation, provided, however, that in each case, we determine that such disclosure is compatible with the purpose for which the records were collected.

5. To the National Archives and Records Administration (NARA) under 44 U.S.C. 2904 and 2906.

6. To student volunteers, individuals working under a personal service

contract, and other workers who technically do not have the status of Federal employees, when they are performing work for us, as authorized by law, and they need access to personally identifiable information (PII) in our records in order to perform their assigned agency functions.

7. To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, when information is necessary:

(a) to enable them to protect the safety of SSA employees and customers, the security of the SSA workplace, and the operation of our facilities, or

(b) to assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operation of our facilities.

8. To contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of our programs. We will disclose information under this routine use only in situations in which we may enter into a contractual or similar agreement to obtain assistance in accomplishing an SSA function relating to this system of records.

9. To appropriate agencies, entities, and persons when:

(a) SSA suspects or has confirmed that there has been a breach of the system of records;

(b) SSA has determined that, as a result of the suspected or confirmed breach, there is a risk of harm to individuals, SSA (including its information systems, programs, and operations), the Federal Government, or national security; and

(c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with SSA’s efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

10. To NARA, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h) to review administrative agency policies, procedures, and compliance with the FOIA, and to facilitate OGIS’ offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

11. To another Federal agency or Federal entity, when SSA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in:

(a) responding to a suspected or confirmed breach; or

(b) preventing, minimizing, or remedying the risk of harm to

individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

12. To third parties when an individual involved with a request needs assistance to communicate because of a hearing impairment or a language barrier (*e.g.*, to interpreters, telecommunications relay system operators).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

We will maintain records in this system in electronic form.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

We will retrieve records in this system by the name and Social Security number (SSN) of the requester or appellant; case number assigned to the request or appeal; name of attorney representing the requester or appellant; the name of an individual who is the subject of such a request or appeal; or subject matter.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

In accordance with NARA rules codified at 36 CFR 1225.16, we maintain records in accordance with approved NARA General Records Schedule (GRS) 3.1, item 012, and GRS 4.2.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

We retain electronic files containing personal identifiers in secure storage areas accessible only by authorized employees, including our employees and contractors, who have a need for the information when performing their official duties. Security measures include, but are not limited to, the use of codes and profiles, personal identification number and password, and personal identification verification cards. We restrict access to specific correspondence within the system based on assigned roles and authorized users. We use audit mechanisms to record sensitive transactions as an additional measure to protect information from unauthorized disclosure or modification.

We annually provide authorized individuals, including our employees and contractors, with appropriate security awareness training that includes reminders about the need to protect PII and the criminal penalties that apply to unauthorized access to, or disclosure of, PII (5 U.S.C. 552a(i)(1)). Furthermore, authorized individuals with access to databases maintaining PII

must annually sign a sanctions document that acknowledges their accountability for inappropriately accessing or disclosing such information.

RECORD ACCESS PROCEDURES:

Individuals may submit requests for information about whether this system contains a record about them by submitting a written request to the system manager at the above address, which includes their name, SSN, or other information that may be in this system of records that will identify them. Individuals requesting notification of, or access to, a record by mail must include: (1) a notarized statement to us to verify their identity; or (2) must certify in the request that they are the individual they claim to be and that they understand that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

Individuals requesting notification of, or access to, records in person must provide their name, SSN, or other information that may be in this system of records that will identify them, as well as provide an identity document, preferably with a photograph, such as a driver's license. Individuals lacking identification documents sufficient to establish their identity must certify in writing that they are the individual they claim to be and that they understand that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

These procedures are in accordance with our regulations at 20 CFR 401.40 and 401.45.

CONTESTING RECORD PROCEDURES:

Same as record access procedures. Individuals should also reasonably identify the record, specify the information they are contesting, and state the corrective action sought, and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate, or irrelevant. These procedures are in accordance with our regulations at 20 CFR 401.65(a).

NOTIFICATION PROCEDURES:

Same as records access procedures. These procedures are in accordance with our regulations at 20 CFR 401.40 and 401.45.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

81 FR 45352 (July 13, 2016), FOIA and Privacy Act Record Request and Appeal System.

83 FR 54969 (November 1, 2018), FOIA and Privacy Act Record Request and Appeal System.

[FR Doc. 2025–20201 Filed 11–17–25; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 12852]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “New Rome: The Art of Byzantium” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition “New Rome: The Art of Byzantium” at The Art Institute of Chicago, in Chicago, Illinois, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of

Authority No. 523 of December 22, 2021.

Stefanie E. Williams,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–20230 Filed 11–17–25; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 751]

Materials Due To Be Submitted During the Federal Government Shutdown

AGENCY: Surface Transportation Board.

ACTION: Notice.

SUMMARY: The Board provides notice that any material due to be submitted to the Board during the Federal government shutdown period (including comments on environmental documents) will now be due no later than November 20, 2025, unless otherwise ordered by the Board.

DATES: Filings (including recordings) that were submitted during the shutdown will be considered filed on November 13, 2025, provided all filing requirements have been met.

FOR FURTHER INFORMATION CONTACT:

Scott Zimmerman, (202) 245–0386. If you require accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: By decision served October 1, 2025, all deadlines for the submission of pleadings, filings, comments (including environmental comments) and other material due to be submitted during the pendency of the Federal government shutdown that began that day were tolled. The Board is now providing notice that any material due to be submitted to the Board during the shutdown period (October 1, 2025, through November 12, 2025) will now be due no later than November 20, 2025, unless otherwise ordered by the Board.

Should a party to a proceeding believe that further modification to a procedural schedule is necessary, the party should request an extension in that case docket. Materials submitted during the shutdown should not be resubmitted. All filings (including recordings) submitted during the shutdown will be considered filed on November 13, 2025, provided all filing requirements have been met.

Authority: 49 U.S.C. 1321(a) and 49 CFR 1011.6(c)(3).

Decided: November 13, 2025.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2025–20098 Filed 11–17–25; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2025–0301]

Agency Information Collection Activities: Notice of Request for Reinstatement of a Previously Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for reinstatement of a previously approved information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for reinstatement of a previously approved information collection that is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by January 20, 2026.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 0301 by any of the following methods:

Web Site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Aileen Varela-Margolles, a.varela-margolles@dot.gov, (305) 978–7780, Anthony Norman PE;

Anthony.norman@dot.gov, Office of the Natural Environment, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 7 a.m. to 4 p.m.,

Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Noise Abatement Inventory Request

OMB Control: 2125–0645.

Background: 23 CFR 772.13(f) requires State DOTs to maintain an inventory of constructed noise abatement measures, the information to be requested, and for FHWA to collect it via OMB collection requirements. The parameters in the information to be collected include location, design information, costs, project information and what land uses the abatement measure is protecting from noise. The information is used to create a national inventory that allows us to see trends over time, share the information with the public, and use it for research projects.

Respondents: 52 respondents of the 50 State DOTs, District of Columbia, and Commonwealth of Puerto Rico.

Frequency: Three-year approved clearance.

Estimated Average Burden per Response: On the average, the estimate is 8 hours per response. The average of 8 hours includes the time for reviewing instructions, searching existing data sources, gathering the data, reviewing it, and maintaining it. Note: Some respondents may have far less time than 8 hours, since they have done this before and their information is easily accessible.

Estimated Total Annual Burden Hours: The estimated annual burden hours are 416, which is based on an average of 8 hours per respondent and 52 respondents, which are the 50 State DOTs, the District of Columbia, and the Commonwealth of Puerto Rico.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: November 14, 2025.

Jazmyne Lewis,
Information Collection Officer.

[FR Doc. 2025–20151 Filed 11–17–25; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0457]

Agency Information Collection Activities; Renewal of an Approved Information Collection: Designation of Agents, Motor Carriers, Brokers, and Freight Forwarders

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 and invites public comment. FMCSA requests approval to renew an ICR titled, “Designation of Agents, Motor Carriers, Brokers and Freight Forwarders,” OMB control number 2126–0015. This is necessary to provide motor carriers, property brokers, and freight forwarders a means to designate process agents, as required by law.

DATES: Comments on this notice must be received on or before January 20, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2025–0457 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.secrisr@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–2025–0457), 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-2025-0457/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 United States Code (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-notices. The comments are posted without edits and are searchable by the name of the submitter.

Background

The Secretary of Transportation (Secretary) is authorized to register motor carriers under the provisions of 49 U.S.C. 13902; freight forwarders under the provisions of 49 U.S.C. 13903; and property brokers under provisions of 49 U.S.C. 13904. These persons may conduct transportation services only if they are registered pursuant to 49 U.S.C. 13901. The Secretary delegated authority pertaining to these registration requirements to FMCSA in 49 Code of Federal Regulations (CFR) 1.87(a)(5).

Registered motor carriers, brokers and freight forwarders must designate an agent on whom service of notices in proceedings before the Secretary may be made (49 U.S.C. 13303). Registered motor carriers must also designate an agent for every State in which they operate and traverse in the United States during such operations, on whom process issued by a court may be served in actions brought against the registered motor carrier (49 U.S.C. 13304, 49 CFR 366.4T). Every broker shall make a designation for each State in which its offices are located or in which contracts are written (49 U.S.C. 13304, § 366.4T). Regulations governing the designation of process agents are found at 49 CFR part 366. This designation is filed with FMCSA on Form BOC–3, “Designation of Agents for Service of Process.” For this renewal, the program’s annual burden hours increased from 3,448 to 18,503. This is due to an updated estimate of the number of respondents and responses.

Title: Designation of Agents, Motor Carriers, Brokers and Freight Forwarders.

OMB Control Number: 2126–0015.

Type of Request: Renewal of a currently approved information collection.

Respondents: Motor carriers, freight forwarders and brokers.

Estimated Number of Respondents: 110,799.

Estimated Time per Response: 10 minutes, or 0.167 hours.

Expiration Date: April 30, 2026.

Frequency of Response: On occasion. Form BOC–3 must be filed by all motor carriers, freight forwarders, and brokers when the transportation entity first registers with FMCSA. All brokers must make a designation for each State in which it has an office or in which contracts are written. Subsequent filings are made only if the motor carrier, broker, or freight forwarder changes

process agents or begins operating in a new State.

Estimated Total Annual Burden: 18,503.

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.

Jonathan Mueller,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2025–20128 Filed 11–17–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0130]

Agency Information Collection Activities; Renewal of an Approved Information Collection: Annual Report of Class I and Class II For-Hire Motor Carriers

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. FMCSA requests approval to renew an ICR titled, “Annual Report of Class I and Class II For-Hire Motor Carriers.” OMB Control No. 2126–0032. This ICR applies to Class I and Class II for-hire motor carriers of property (Form M) and Class I for-hire motor carriers of passengers (Form MP–1) and collects financial, operating, equipment, and employment data from individual motor carriers of property and household goods and from individual motor carriers of passengers. This ICR is necessary to comply with FMCSA’s financial and operating statistics requirements at chapter III of

title 49 CFR part 369 titled, "Reports of Motor Carriers."

DATES: Comments on this notice must be received on or before December 18, 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: 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:

Title: Annual Report of Class I and Class II For-Hire Motor Carriers.

OMB Control Number: 2126-0032.

Type of Request: Renewal of a currently approved information collection.

Respondents: Class I and Class II For-Hire Motor Carriers of Property and Class I For-Hire Motor Carriers of Passengers.

Estimated Number of Respondents: 12 total (4 per year).

Estimated Time per Response: 9 hours for Form M and 0.3 hours for Form MP-1.

Expiration Date: November 30, 2025.

Frequency of Response: Annually.

Estimated Total Annual Burden: 36 hours [36 hours (Form M) + 0 hours (Form MP-1)].

Background

Title 49, United States Code (U.S.C.) section 14123 requires certain for-hire motor carriers of property, passengers, and household goods to file annual financial reports. The annual reporting program was implemented on December 24, 1938 (3 FR 3158), and it was subsequently transferred from the Interstate Commerce Commission to DOT's Bureau of Transportation Statistics (BTS) on January 1, 1996. The Secretary of Transportation delegated to BTS the responsibility for the program on December 17, 1996 (61 FR 68162). Responsibility for collection of the reports was transferred from BTS to FMCSA on August 17, 2004 (69 FR 51009), and the regulations were redesignated as 49 CFR part 369 on August 10, 2006 (71 FR 45740). FMCSA collects carriers' annual reports and furnishes copies of the reports when requested under the Freedom of Information Act (FOIA). Annual

financial reports are filed on Form M (Class I and II for-hire property carriers, including household goods carriers) and Form MP-1 (Class I for-hire passenger carriers). For-hire motor carriers (including interstate and intrastate) subject to the Federal Motor Carrier Safety Regulations are classified on the basis of their gross carrier operating revenues.¹

The data and information collected is publicly available through FOIA requests. FMCSA has created electronic forms that may be prepared, signed electronically, and submitted to FMCSA via <https://ask.fmcsa.dot.gov/app/ask/>.

The estimated annual respondents for Form M decreased from 34 in the previously approved ICR to 4 in the current ICR. The estimated annual burden hours for Form M decreased by 270 hours [36 proposed hours – 306 currently approved hours = – 270 hours]. Estimated annual respondents for Form MP-1 stayed the same. The previously approved ICR had 0 annual hours. The current ICR has 0 annual hours. This estimate is based off the number of Form M and Form MP-1 submissions received by the Agency between 2022 and 2024, which results in these estimates of annual respondents/responses for the upcoming information collection period.

Labor costs to industry have decreased by \$12,491 annually [\$2,007 in proposed costs – \$14,498 currently approved costs = – \$12,491]. This is due to the decreased estimates of annual respondents/responses. Other annual costs to respondents (*i.e.*, associated with mailing completed forms to FMCSA) have decreased by \$30 [((\$4 in proposed mailing costs for Form M + \$0 in proposed mailing costs for Form MP-1) – (\$34 in previously approved mailing costs for Form M + \$0 in previously approved mailing costs for Form MP-1) = – \$30]. This change is also due to the decreased estimates of annual respondents/responses.

For the Federal Government, annual costs have decreased by \$68 [\$11 in proposed costs – \$79 in previously approved costs = – \$68]. This change is due to the decreased estimates of annual respondents/responses.

¹ For purposes of the Financial and Operating Statistics program, carriers are classified into the following two groups: (1) Class I carriers are those having annual carrier operating revenues (including interstate and intrastate) of \$10 million or more after applying the revenue deflator formula as set forth in Note A of 49 CFR 369.2; and (2) Class II carriers are those having annual carrier operating revenues (including interstate and intrastate) of at least \$3 million, but less than \$10 million after applying the revenue deflator formula as set forth in 49 CFR 369.2.

On July 28, 2025, FMCSA published a notice in the **Federal Register** (90 FR 35569) with a 60-day public comment period to announce its intention to submit this ICR to OMB for renewal. FMCSA received one comment, which was not relevant to the ICR.

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.

Jonathan Mueller,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2025-20070 Filed 11-17-25; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2025-0325]

Agency Information Collection Activities; Renewal of an Approved Information Collection: Transportation of Hazardous Materials; Highway Routing

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 an ICR titled, "Transportation of Hazardous Materials, Highway Routing." The information reported by States and Indian Tribes is necessary to identify designated and restricted routes and restrictions or limitations affecting how motor carriers may transport certain hazardous materials on highways, including dates that such routes were established and information on subsequent changes or new hazardous materials routing designations.

DATES: Comments on this notice must be received on or before January 20, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2025–0325 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: Ms. Melissa Williams, Office of Safety, Hazardous Materials Division, DOT, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4163; melissa.williams@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–2025–0325), 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-2025-0325/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-notices>. The comments are posted without edits and are searchable by the name of the submitter.

Background

The data for the Transportation of Hazardous Materials; Highway Routing ICR is collected under authority of 49 U.S.C. 5112 and 5125. Specifically, 49 U.S.C. 5112(c) requires that the Secretary of Transportation, in coordination with the States, “shall update and publish periodically a list of currently effective hazardous material highway route designations.” This authority is delegated to FMCSA in 49 CFR 1.87(d)(2).

In § 397.73, FMCSA requires that each State and Indian Tribe, through its routing agency, provide information identifying new, or changes to existing, hazardous materials routing designations within its jurisdiction within 60 days of their establishment (or 60 days of the change). That information is collected and consolidated by FMCSA and published annually, in whole or as updates, in the **Federal Register** and on the Agency’s website at <https://www.fmcsa.dot.gov/regulations/hazardous-materials/national-hazardous-materials-route-registry>.

Title: Transportation of Hazardous Materials, Highway Routing.

OMB Control Number: 2126–0014.

Type of Request: Renewal of a currently approved ICR.

Respondents: The reporting burden is shared by 50 States, the District of

Columbia, Indian Tribes with designated routes, and U.S. Territories including Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands.

Estimated Number of Respondents: 57 [36 States + the District of Columbia, with designated hazardous materials highway routes + 19 States/U.S. Territories without designated hazardous materials highway routes + 1 Indian Tribe with a designated route = 57].

Estimated Time per Response: 15 minutes.

Expiration Date: April 30, 2026.

Frequency of Response: Once every 2 years, or as things change.

Estimated Total Annual Burden: 7.125 hours [57 annual respondents × 1 response per 2 years × 15 minutes per response/60 minutes per response = 7.125 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.

Jonathan Mueller,

Acting Associate Administrator Office of Research and Registration.

[FR Doc. 2025–20127 Filed 11–17–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2025–0134]

Proposed Rescission of the National Transit Database Weekly Reference Reporting Requirement

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

ACTION: Notice, request for comments.

SUMMARY: This notice provides information on the proposed rescission of the National Transit Database’s (NTD) Weekly Reference (WE–20) reporting requirement. After careful evaluation, FTA determined the WE–20 reporting requirement no longer offers sufficient

value relative to the administrative burden on transit agencies and FTA. Consistent with the Administration's focus on reducing regulations, FTA proposes rescinding the WE-20 reporting requirement.

DATES: Comments should be filed by December 2, 2025.

ADDRESSES: You may send comments, identified by docket number FTA-2025-0134, by any of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov> and follow the online instructions for submitting comments.

- **Mail:** Send comments to Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** West Building Ground Floor, Room W12-140, 1200 New Jersey Ave. SE, between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays.

- **Fax:** Fax comments to Docket Management Facility, U.S. Department of Transportation, at (202) 493-2251.

Instructions: You must include the agency name (Federal Transit Administration) and Docket Number (FTA-2025-0134) for this notice, at the beginning of your comments. If sent by mail, submit two copies of your comments.

Electronic Access and Filing: This document and all comments received may be viewed online through the Federal eRulemaking portal at <https://www.regulations.gov> or at the street address listed above. Electronic submission, retrieval help, and guidelines are available on the Federal eRulemaking portal website. The website is available 24 hours each day, 365 days a year. Please follow the instructions. An electronic copy of this document may also be downloaded from the Office of the Federal Register's home page at <https://www.federalregister.gov>.

Privacy Act: Except as provided below, all comments received into the docket will be made public in their entirety. The comments will be searchable by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.) You should not include information in your comment you do not want to be made public. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or at <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: For program questions, Chelsea Champlin, National Transit Database Program Manager, FTA Office of Budget and Policy, 202-366-4050, or Chelsea.champlin@dot.gov. For legal questions, Alexander Lipow, Attorney-Advisor, 202-366-4011, or Alexander.Lipow@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The NTD was established by Congress to be the Nation's primary source for information and statistics on the transit systems of the United States. Recipients and beneficiaries of FTA grants under either the Urbanized Area Formula Program (49 U.S.C. 5307) or Rural Area Formula Program (49 U.S.C. 5311) are required by law to report data to the NTD. Recipients generally report data on an annual or monthly basis.

During the COVID-19 pandemic, FTA found it did not have sufficient and timely data on transit ridership or transit service levels to inform decision-makers at the Federal, State, and local levels during the rapidly changing crisis situation. To better understand changes in the transit industry on a timely basis during the tumultuous time, FTA went through the notice and comment process (Docket number FTA-2022-0018) pursuant to 49 U.S.C. 5334(k) to, among other things, enable FTA to collect additional data from a sample set of modal reports from across the universe of full, reduced, tribal, and rural reporters on a weekly reference WE-20 Form. FTA finalized the WE-20 reporting requirements in March 2023 (88 FR 13497).

The goal of the sample data collection (received from approximately 400 FTA recipients) was to obtain a representative nationwide snapshot of transit ridership and transit service levels. The sampling methodology uses a stratified random sampling based on region, mode, and other factors. FTA then made sampling adjustments as needed based on unavailable modes, recipients without weekly data access, or other factors.

Although the WE-20 reporting requirement provided important data as the country recovered from the pandemic, it is not required by statute, and after two years of experience with this data collection, FTA has now determined the WE-20 reporting requirement no longer offers sufficient value relative to the administrative burden on transit agencies and is inconsistent with this Administration's deregulatory priorities.

Proposed Recission of the WE-20 Reporting Requirement

In consideration of the foregoing, and consistent with the Administration's focus on reducing regulatory burdens, FTA proposes to rescind the WE-20 reporting requirement. The requirement is not mandated by statute and no longer offers sufficient value relative to the administrative burden on transit agencies. FTA welcomes public comments on the proposed recission.

Marcus J. Molinaro,
Administrator.

[FR Doc. 2025-20086 Filed 11-17-25; 8:45 am]

BILLING CODE 4910-57-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2025-0053]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; 49 CFR Part 585, Phase-In Reporting Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a request for reinstatement with modification of a previously approved information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. This notice describes a collection of information for phase-in reporting requirements as part of a final rule in which NHTSA amended Federal Motor Vehicle Safety Standard (FMVSS) No. 208, "Occupant crash protection." A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on May 28, 2025. NHTSA received one public comment that was not relevant to the information collection request.

DATES: Comments must be submitted on or before December 18, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of

Management and Budget at www.reginfo.gov/public/do/PRAMain. To find this particular information collection, select “Currently under Review—Open for Public Comment” or use the search function.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Ms. Carla Rush (Carla.Rush@dot.gov), U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted OMB.

Title: 49 CFR part 585; Phase-In Reporting Requirements.

OMB Control Number: 2127–0535.

Form Number(s): N/A.

Type of Request: Reinstatement with modification of a previously approved information collection.¹

Type of Review Requested: Regular.

Requested Expiration Date of

Approval: 3 years from date of approval.

Summary of the Collection of Information: On August 22, 2024, NHTSA published a final rule amending FMVSS No. 208, “Occupant crash protection.”² Among other requirements, FMVSS No. 208 mandates that motor vehicles be equipped with advanced air bag systems capable of deactivating or adjusting the force with which the air bags deploy depending on size of the occupant seated in positions with frontal air bags. Manufacturers must certify that their advanced air bag systems comply with the requirements when certain child restraint systems (CRSs) are installed in their vehicles with specific dummies listed in the standard. These specific CRSs are listed

in Appendix A–1 of FMVSS No. 208, and the August 2024 final rule updated the list of CRSs listed in Appendix A–1 to ensure the CRSs being used for testing are representative of the current CRS market.

As part of the update to FMVSS No. 208, there is a phase-in of the requirements for testing with the new CRSs listed in Appendix A–1. As with all phase-ins, the agency is adopting a reporting and recordkeeping requirement to facilitate the agency’s enforcement of the standard by aiding NHTSA in determining whether a manufacturer has complied with the phase-in requirements during the phase-in period. The reporting and recordkeeping requirements require that manufacturers submit an annual production report to NHTSA that includes the number of vehicles manufactured in the current production year and the production of complying vehicles and retain records of compliance with the phase-in requirements for five years. NHTSA estimates this collection will impact 22 manufacturers each year and will have a total annual burden of 22 hours and \$0 in total annual cost.

Description of the Need for the Information and Proposed Use of the Information: The purpose of the reporting requirements is to aid NHTSA in determining whether a manufacturer has complied with the phase-in requirements during the phase-in period. Without the reporting requirements, NHTSA would have no way of knowing whether a manufacturer has complied with the phase-in requirements during the phase-in period.

60-Day Notice: A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on May 28, 2025 (90 FR 22574). NHTSA received one public comment that was not relevant to the information collection request.

Affected Public: The only required respondents for the reporting requirements are applicable light vehicle manufacturers.

Estimated Number of Respondents: The agency expects 22 vehicle manufacturers to be required to respond to the information collection request.

Frequency: The final rule requires the following implementation schedule: Forty percent of all of a manufacturer’s light vehicles must comply with the revised appendix by September 1, 2025, and all light vehicles must be fully compliant no later than September 1, 2026. The phase-in plan requires manufacturers to report achievement of

the annual production quota in the phase-in period. These requirements are found in 49 CFR part 585, “Phase-In Reporting Requirements.” The reporting and recordkeeping requirements require that manufacturers submit an annual production report to NHTSA that includes the number of vehicles manufactured in the current production year and the production of complying vehicles and that they retain records of compliance with the phase-in requirements for five years. The report is due within 60 days after the end of the production year ending August 31, 2026. After the report is received, requirements will cease and no further report will be required during that year.

Estimated Total Annual Burden: The annual burden involves the tasks of collection of the information required by the annual report as well as placing the information in a form suitable for record keeping and data retrieval. Since almost all of the information required is already recorded by the manufacturers as part of their production control and tracking systems, a nominal assessment of half a burden hour per respondent is estimated for data retrieval and report preparation and half a burden hour per respondent for the record keeping of the data.

NHTSA estimates the labor costs associated with these labor hours using hourly labor rates published by the Bureau of Labor Statistics (BLS) estimates that hourly wages represent approximately 70.5 percent of total compensation for private industry workers.³ For the labor costs associated with this ICR, NHTSA uses the mean hourly wage of \$40.64 per hour for “Technical Writers” (occupational code 27–3042) for the Motor Vehicle Manufacturing Industry⁴ and applies the 70.5 percent factor to find the total compensation rate of \$57.65 per hour (\$40.64 per hour divided by 0.705). The total annual labor cost associated with the burden hours is estimated to be \$1,268.20 (time burden of 22 hours × \$57.65 cost per hour).

Estimated Total Annual Burden Cost: \$0. There are no additional costs to respondents other than the labor cost associated with the burden hours described above.

Public Comments Invited: You are asked to comment on any aspects of this

¹ This information collection request (ICR) is to request a reinstatement with modification of a previously approved information collection for mandatory phase-in reporting for vehicle manufacturers (OMB Control No. 2127–0535) and requesting that it be renamed as “49 CFR part 585; Phase-In Reporting Requirements.” This ICR will be used to consolidate all phase-in reporting requirements that are included in 49 CFR part 585 and was chosen because the OMB Control Number is currently listed in 49 CFR 509 as being associated with information collections contained in part 585.

² 89 FR 67869.

³ See Table 1. Employer Costs for Employee Compensation by ownership (Dec. 2024), available at <https://www.bls.gov/news.release/pdf/ecec.pdf> (accessed April 1, 2025).

⁴ See May 2023 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 336100—Motor Vehicle Manufacturing, available at https://www.bls.gov/oes/2023/may/naics4_336100.htm#27-0000 (accessed April 1, 2025).

information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

David Hines,

Acting Associate Administrator for Rulemaking.

[FR Doc. 2025–20139 Filed 11–17–25; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2025–0721]

Agency Information Collection Activities; Notice and Request for Comment; Fatality Analysis Reporting System (FARS) and Non-Traffic Surveillance (NTS)

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a request for extension of a currently approved information collection.

SUMMARY: NHTSA invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for an extension of a currently approved information collection. Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes a collection of information for which NHTSA intends

to seek OMB approval that collect data on motor vehicle crashes involving fatalities.

DATES: Comments must be submitted on or before January 20, 2026.

ADDRESSES: You may submit comments identified by the Docket No. NHTSA–2025–0721 through any of the following methods:

- **Electronic submissions:** Go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Fax:** (202) 493–2251.

- **Mail or Hand Delivery:** Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit <https://www.transportation.gov/privacy>.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Barbara Rhea, State Data Reporting Systems Division (NSA–120), (202) 560–6724, National Highway Traffic Safety Administration, Room W53–304, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Please identify the relevant collection of information by referring to its OMB Control Number (2127–0006).

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult

with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) how to enhance the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the agency is seeking approval from OMB.

Title: Fatality Analysis Reporting System (FARS) and Non-Traffic Surveillance (NTS).

OMB Control Number: 2127–0006.

Form Number(s): NHTSA Form 2100.

Type of Request: Revision of a currently approved collection of information.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: 3 years from date of approval.

Summary of the Collection of Information

NHTSA is authorized by 49 U.S.C. 30182 and 23 U.S.C. 402, 403 & 405, the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117–58) and the Cameron Gulbransen Kids Transportation Safety Act of 2007 (K.T. Safety Act) (Pub. L. 110–189) to collect data on motor vehicle traffic crashes to aid in the identification of issues and the development, implementation, and evaluation of motor vehicle and highway safety countermeasures to reduce fatalities and the property damage associated with motor vehicle crashes. Using this authority, NHTSA established the Fatal Analysis Reporting System (FARS) and the Non-Traffic Surveillance (NTS), which collect data on fatal motor vehicle traffic crashes. Among other things, the information aids in the establishment and enforcement of motor vehicle

regulations and highway safety programs.

The FARS data collection started in 1975 and is a census of all defined crashes involving fatalities in the country. The FARS collects annual data from all 50 States, the District of Columbia, and Puerto Rico under cooperative agreements. State employees collect and process information from existing State documents including police crash reports as well as driver license, vehicle registration, highway roadway classification, death certificates, toxicology reports and Emergency Medical Service reports. NHTSA uses FARS data for research and analysis in support of motor vehicle regulations and highway safety programs. This supports NHTSA's mission by providing the agency vital information about fatal crashes. The FARS data comprises a national database that tracks trends in fatalities and quantifying problems in highway safety.

The Non-Traffic Surveillance (NTS) is an automated data collection effort for collecting information about non-traffic crashes and non-crash incidents. The NTS data provide counts and details regarding fatalities and injuries that occur in non-traffic crashes and in non-crash incidents. The NTS non-traffic crash data are obtained through NHTSA's data collection efforts for the Crash Report Sampling System (CRSS),¹ the Crash Investigation Sampling System (CISS),² and FARS. NTS also includes data outside of NHTSA's own data collections. NTS' non-crash injury data are based upon emergency department records from a special study conducted by the Consumer Product Safety Commission's National Electronic Injury Surveillance System (NEISS) All Injury Program. NTS non-crash fatality data are derived from death certificate information from the Centers for Disease Control's National Vital Statistics System. This ICR only seeks approval for the collection of NTS data for NTS that comes from the FARS data collection effort.

Description of the Need for the Information and Proposed Use of the Information

NHTSA's mission is to save lives, prevent injuries, and reduce economic losses resulting from motor vehicle crashes. In order to accomplish this mission, NHTSA needs high-quality data on motor vehicle crashes. The

FARS supports this mission by providing the agency with vital information about all crashes involving fatalities that occur on our nation's roadways. The FARS does this by collection national fatality information directly from existing State files and documents and aggregate them for research and analysis.

FARS data is used extensively by NHTSA program and research offices, other DOT modes, States, and local jurisdictions. The highway research community uses the FARS data for trend analysis, problem identification, and program evaluation. Congress uses the FARS data for making decisions concerning safety programs. The FARS data are also available upon request to anyone interested in highway safety.

Affected Public: States, the District of Columbia, and Puerto Rico.

Estimated Number of Respondents: 52.

Frequency: On occasion.

NHTSA has established cooperative agreements with the 50 States, the District of Columbia, and Puerto Rico to report a standard set of data on each fatal crash in their jurisdictions. State respondents report based on the occurrence of crashes involving fatalities. When a fatal crash occurs, State employees extract and transcribe information from existing files and input the information into FARS, with the frequency of reporting determined by the frequency of fatal crashes occurring in the respondent's jurisdiction.

Estimated Total Annual Burden Hours: 118,762.

For both FARS and NTS, there are 52 respondents (50 States, the District of Columbia, and Puerto Rico) reporting on approximately 38,536 fatal crash cases per year. Of these cases, 37,951 are reported to FARS and approximately 585 are identified and reported as non-traffic fatal crashes (NTS).

The annual burden has increased from when NHTSA last sought approval for this collection from 107,209 to 118,762 hours (an increase of 11,553 hours). The adjustment in burden hours is due to the increase in the complexity of coding the FARS cases and an increase in the number of fatal crashes across most States. The increase also accounts for the time to process the non-traffic fatalities for NTS. Furthermore, while time for manually inputting data has decreased with States implementing systems to electronically transfer police report data that prepopulate NHTSA's data systems, including FARS,³ the

overall burden increased because, over the past two years, there has been an increase in staff turnover at the State level, adding an increase in administrative hours, training, and coding assistance to continue operations.

The State employee (or employees depending on the number of fatal crashes per year occurring in the jurisdiction) acquires and codes the required information, as fatal crashes occur, in the FARS records-based system. For FARS, although there is only one information collection, NHTSA calculates the total burden using four burden categories: (1) FARS Manual Protocol Case Entry, (2) overhead burden for FARS in States without EDT, (3) FARS coding in States with EDT, and (4) FARS EDT mapping maintenance.

FARS Manual Protocol Case Entry

NHTSA estimates that there are currently 30 States providing crash reports (including case materials) via manual protocol. For these respondents, NHTSA estimates that it takes analysts approximately 4.25 hours to collect fatal crash information and code a FARS case entry in the FARS data entry system. This estimate is based on historical knowledge of the average number of analysts, full- and part-time, back-up analysts, FARS supervisors, and coding assistance respondents needed to complete an annual FARS file. NHTSA estimates that, on average, 18,007 cases are collected and coded annually using this access method. Therefore, NHTSA estimates the total annual burden associated with FARS Manual Protocol case entry to be approximately 76,530 hours annually (18,007 cases × 4.25 hours = 76,530 hours).

FARS Manual Protocol In-Kind Process Support

In addition to the time for each crash entry, some respondents using the FARS Manual Protocol are also expected to incur overhead burden time. NHTSA estimates that 8 States provide overhead support and that the total annual burden for this support is 2,000 hours, or an average of 250 hours per respondent. This burden includes hours spent by supervisors and State managers responding to and supporting FARS operations that are not accounted for in the coding hours every year, including supporting data acquisition and other associated tasks.

FARS EDT Mapping Maintenance

NHTSA estimates that there are approximately 22 States already participating in Electronic Data Transfer

¹ The CRSS information collection is assigned OMB Control No. 2127-0714.

² The CISS information collection is assigned OMB Control No. 2127-0706.

³ The EDT information collection is assigned OMB Control No. 2127-0753.

(EDT). For these respondents, PAR data are automatically transferred from the State’s centralized crash database to NHTSA’s CDAN system. The crash data are then prepopulated in NHTSA’s crash data systems, including FARS.

NHTSA estimates the burden to maintain the protocol is estimated at two hours per State (respondent) or a total of 44 hours per year (22 States × 2 hours). This represents time to monitor case quality and timeliness, conduct quality control processes, and maintain communications with NHTSA and its contractors to ensure accurate data transfer. The specific task associated with this maintenance of effort is referred to as “mapping”. Upon becoming an EDT State, the respondent participates in an initial mapping process. The process requires an alignment between the State Specific

Coding Instructions and the FARS Coding and Validation guidance.⁴ During quality control processes, which are conducted year-round, data anomalies may be detected, at which time action must be taken to review and ultimately correct the shifts in the data. This process, while managed by the Office of Data Acquisition, requires concurrence from the respondent, which is what the burden represents.

FARS EDT Manual Case Entry for Supporting Case Materials

Participation in EDT reduces but does not eliminate the manual entry of data into FARS. Although information from PARs is pre-populated into the system, EDT State respondents must still collect and enter supporting case materials, such as driver records, toxicology reports, death certificate information, and coroner’s/medical examiners

reports to complete a FARS case. NHTSA estimates that completing each case entry in an EDT States takes 2 hours, which is slightly less than half the time the process is estimated to take for non-EDT States. On average, NHTSA estimates that 19,944 FARS cases for the 22 EDT States will have pre-populated data. Accordingly, NHTSA estimates the total burden associated with completing the FARS case entries for these cases to be 39,888 hours (19,944 cases × 2 hours = 39,888 hours).

Total Burden for FARS

The collective and cumulative efforts of all 52 respondents results in an estimated annual burden of 118,462 hours (76,530 hours + 2,000 hours + 44 hours + 39,888 hours). Table 1 provides a summary of the burden associated with FARS.

TABLE 1—BURDEN CATEGORY ESTIMATES AND TOTAL BURDEN FOR FARS

Burden category	Number of responses	Number of respondents	Burden hours per response	Total annual burden hours per burden category
FARS EDT (mapping maintenance)	N/A	22	2	44
FARS EDT Manual Case Entry (supporting case materials)	19,944	22	2	39,888
FARS Manual Protocol Case Entry Process (including supporting case materials)	18,007	30	4.25	76,530
FARS Manual Protocol In-kind Process Support	N/A	8	250	2,000
Total	37,951	52	3.13	118,462

NTS Data Collection

Non-traffic fatal crashes are collected by approximately 25 States as part of the FARS data collection process. NHTSA estimates that it takes twelve hours per respondent annually to account for NTS cases. Therefore, NHTSA estimates that

the total burden for NTS case identification and coding is 300 hours annually (25 respondents × 12 hours).

Burden for FARS and NTS

NHTSA estimates the total annual burden for the two information

collections, FARS and NTS, is 118,762 hours per year (118,462 hours + 300 hours). Table 2 provides a summary of the burdens for the two information collections.

TABLE 2—SUMMARY OF BURDENS FOR FARS AND NTS

Information collection	Responses	Respondents	Burden per response	Hours per respondent	Total burden hours
FARS	37,951	52	3.13	2,278.12	118,462
NTS	585	25	0.5	12	300
Total	38,239				118,762

To estimate the labor costs associated with the two information collections, NHTSA looked primarily at the annualized reimbursements NHTSA provides to States under the FARS Cooperative Agreements and the amount of “in-kind” kind funding provided by the States. Annually,

NHTSA provides approximately \$7.1 million to States to go toward the labor costs associated with this information collection. Additionally, because collecting fatal information is mutually beneficial to the Federal Government and the respondents, eight State respondents have provided “in-kind

funding” to cover State overhead costs associated with managing FARS operations. While “in-kind funding” varies from respondent to respondent, the average annualized labor costs are estimated at \$50,000 per in-kind respondent, for a total of \$400,000 in annual in-kind contributions (8 States ×

⁴ The burden associated with this task is accounted for under NHTSA ICR that covers EDT (OMB Control Number 2127–0753).

\$50,000). Therefore, NHTSA estimates the total cost associated with labor hours to be approximately \$7.5 million per year (\$7.1 million + \$400K), or \$63.15 per hour (\$7.5 million ÷ 118,762 hours).

Estimated Total Annual Burden Cost: \$0.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Chou-Lin Chen,

Associate Administrator for the National Center for Statistics and Analysis.

[FR Doc. 2025-20099 Filed 11-17-25; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons

are generally prohibited from engaging in transactions with them.

DATES: This action was issued on October 30, 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

On October 30, 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. BHARDWAJ, Vikrant, Cancun, Quintana Roo, Mexico; Dubai, United Arab Emirates; DOB 05 Sep 1986; POB New Delhi, India; nationality India; alt. nationality Mexico; Gender Male; Passport Z5317632 (India) expires 15 Jan 2029; alt. Passport N14909118 (Mexico) expires 16 Jul 2034; C.U.R.P. BAXV860905HNEHXK02 (Mexico); Identification Number 10047735 (India) (individual) [TCO] (Linked To: BHARDWAJ HUMAN SMUGGLING ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of Executive Order 13581 of July 24, 2011, "Blocking Property of Transnational Criminal Organizations," 76 FR 44757 (July 27, 2011), as amended by Executive Order 13863 of March 15, 2019, "Taking Additional Steps to Address the National Emergency With Respect to Significant Transnational Criminal Organizations," 84 FR 10255 (March 19, 2019) (E.O. 13581, as amended) for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, BHARDWAJ HUMAN SMUGGLING ORGANIZATION, a person whose property and interests in property are

blocked pursuant to E.O. 13581, as amended.

2. MENDOZA VILLEGAS, Jorge Alejandro, Cancun, Quintana Roo, Mexico; DOB 27 Sep 1979; POB Mexico City, Mexico; nationality Mexico; Gender Male; C.U.R.P. MEVJ790927HDFNLR02 (Mexico) (individual) [TCO] (Linked To: BHARDWAJ HUMAN SMUGGLING ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, BHARDWAJ HUMAN SMUGGLING ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

3. RANI, Indu, Benito Juarez, Quintana Roo, Mexico; DOB 28 Oct 1987; POB New Delhi, India; nationality India; alt. nationality Mexico; Gender Female; Passport W3506105 (India) expires 01 Sep 2032; alt. Passport N14909117 (Mexico) expires 16 Jul 2034; C.U.R.P. RAXI871028MNENXN04 (Mexico); Identification Number 10052853 (India) (individual) [TCO] (Linked To: BHARDWAJ, Vikrant).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Vikrant Bhardwaj, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

4. VALADEZ FLORES, Jose German, Cancun, Quintana Roo, Mexico; DOB 04 Jul 1977; POB Coahuila de Zaragoza, Mexico; nationality Mexico; Gender Male; C.U.R.P. VAFG770704HCLLLR03 (Mexico) (individual) [TCO] (Linked To: BHARDWAJ HUMAN SMUGGLING ORGANIZATION).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, BHARDWAJ HUMAN SMUGGLING ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

BILLING CODE 4810-AL-P

Entities:

1. BHARDWAJ HUMAN SMUGGLING ORGANIZATION, Cancun, Quintana Roo, Mexico; Target Type Criminal Organization [TCO].

Designated pursuant to section 1(a)(ii)(A) of E.O. 13581, as amended, for being a foreign person that constitutes a significant transnational criminal organization.

2. BHARDWAJ, S.A. DE C.V., Cancun, Quintana Roo, Mexico; Organization Established Date 14 Dec 2021; Organization Type: Real estate activities on a fee or contract basis; Folio Mercantil No. N-2021096536 (Mexico) [TCO] (Linked To: RANI, Indu).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Indu Rani, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

3. BHAVISHYA REALCON PRIVATE LIMITED, Gurugram, Haryana, India; Organization Established Date 04 Sep 2023; Organization Type: Real estate activities on a fee or contract basis; C.I.N. U68200HR2023PTC114644 (India); Tax ID No. AALCB9061E (India) [TCO] (Linked To: BHARDWAJ, Vikrant).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Vikrant Bhardwaj, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

4. BLACK GOLD PLUS ENERGIES TRADING L.L.C (Arabic: **جولد بلاس انيرجيز للتجارة ذ.م.م**), Dubai, United Arab Emirates; Organization Established Date 01 Feb 2023; Organization Type: Support activities for petroleum and natural gas extraction; Trade License No. 1147422 (United Arab Emirates); Commercial Registry Number 1900474 (United Arab Emirates); Economic Register Number (CBLS) 12010877 (United Arab Emirates) [TCO] (Linked To: BHARDWAJ, Vikrant).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Vikrant Bhardwaj, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

5. CARGAS Y REGULACIONES ELECTRICAS, S.A. DE C.V., Cancun, Quintana Roo, Mexico; Organization Established Date 05 Mar 2024; Organization Type: Construction of buildings; Folio Mercantil No. N-2024048550 (Mexico) [TCO] (Linked To: MENDOZA VILLEGAS, Jorge Alejandro).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Jorge Alejandro Mendoza Villegas, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

6. COMERCIALICUN, S.A. DE C.V., Cancun, Quintana Roo, Mexico; Organization Established Date 12 Mar 2013; Organization Type: Other reservation service and related activities; R.F.C. COM1303128SA (Mexico); Folio Mercantil No. 25664 (Mexico) [TCO] (Linked To: VALADEZ FLORES, Jose German).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Jose German Valadez Flores, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

7. COMERCIALIZADORA VESPA, S.A. DE C.V., Cancun, Quintana Roo, Mexico; Organization Established Date 29 Jun 2015; Organization Type: Other transportation support activities; Folio Mercantil No. 28960 (Mexico) [TCO] (Linked To: VALADEZ FLORES, Jose German).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Jose German Valadez Flores, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

8. CONSTRUCTORA GERLIFE, S.A. DE C.V., Cancun, Quintana Roo, Mexico; Organization Established Date 06 Nov 2021; Organization Type: Construction of buildings; Folio Mercantil No. N-2022046653 (Mexico) [TCO] (Linked To: VALADEZ FLORES, Jose German).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Jose German Valadez Flores, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

9. MICHIGANTAP HOSPITALITY PRIVATE LIMITED (a.k.a. MICHIGAN TAPS), Gurugram, Haryana, India; Organization Established Date 11 Dec 2019; Organization Type: Beverage serving activities; C.I.N. U15510HR2019PTC084092 (India); Tax ID No. AANCM1457D (India) [TCO] (Linked To: BHARDWAJ, Vikrant).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Vikrant Bhardwaj, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

10. OPERADORA TURISTICA PRINCIPESSA, S.A. DE C.V., Cancun, Quintana Roo, Mexico; Organization Established Date 14 Apr 2016; Organization Type: Travel agency activities; R.F.C. OTP1604143G4 (Mexico); Folio Mercantil No. 30435 (Mexico) [TCO] (Linked To: BHARDWAJ, Vikrant).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Vikrant Bhardwaj, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

11. THERCUMEX, S.A. DE C.V., Cancun, Quintana Roo, Mexico; Organization Established Date 20 Dec 2021; Organization Type: Other business support service activities n.e.c.; Folio Mercantil No. N-2021098852 (Mexico) [TCO] (Linked To: RANI, Indu).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Indu Rani, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

12. V AND V ASTILLERO, S.A. DE C.V. (a.k.a. V & V ASTILLERO, S.A. DE C.V.; a.k.a. VNV ASTILLERO; a.k.a. VNV SHIPYARD), Cancun, Quintana Roo, Mexico; Organization Established Date 20 Mar 2015; Organization Type: Transportation and storage; R.F.C. VAS1503206W4 (Mexico); Folio Mercantil No. 28669 (Mexico) [TCO] (Linked To: BHARDWAJ, Vikrant).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Vikrant Bhardwaj, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

13. VEENA SHIVANI ESTATES PRIVATE LIMITED, New Delhi, India; Organization Established Date 01 Feb 2008; Organization Type: Real estate activities on a fee or contract basis; C.I.N. U70109DL2008PTC173500 (India); Tax ID No. AADCV2326A (India) [TCO] (Linked To: BHARDWAJ, Vikrant; Linked To: RANI, Indu).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Vikrant Bhardwaj and Indu Rani, persons whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

14. VNV FASHIONS, S.A. DE C.V., Cancun, Quintana Roo, Mexico; Organization Established Date 28 Oct 2021; Organization Type: Retail sale of textiles in specialized stores; Folio Mercantil No. N-2021089971 (Mexico) [TCO] (Linked To: RANI, Indu).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Indu Rani, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

15. VNV STORE, S.A. DE C.V., Cancun, Quintana Roo, Mexico; Organization Established Date 13 Mar 2024; Organization Type: Retail sale of food in specialized stores; Folio Mercantil No. N-2024054725 (Mexico) [TCO] (Linked To: BHARDWAJ, Vikrant).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or

indirectly, Vikrant Bhardwaj, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

16. VVN BUILDCON PRIVATE LIMITED, Gurugram, Haryana, India; Organization Established Date 06 Sep 2023; Organization Type: Real estate activities on a fee or contract basis; C.I.N. U68200HR2023PTC114748 (India); Tax ID No. AAJCV6361K (India) [TCO] (Linked To: BHARDWAJ, Vikrant).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Vikrant Bhardwaj, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

17. VVN REAL ESTATE L.L.C (Arabic: *في في ان للعقارات ش.ذ.م.م*), Dubai, United Arab Emirates; Organization Established Date 31 Jan 2024; Organization Type: Real estate activities on a fee or contract basis; Trade License No. 1303430 (United Arab Emirates); Commercial Registry Number 2426487 (United Arab Emirates); Economic Register Number (CBLS) 12288517 (United Arab Emirates) [TCO] (Linked To: BHARDWAJ, Vikrant).

Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Vikrant Bhardwaj, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2025–20136 Filed 11–17–25; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on October 24, 2025. See **SUPPLEMENTARY INFORMATION** section 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

On October 24, 2025, OFAC determined that one or more persons identified below meet one or more of the criteria for the imposition of sanctions set forth in section 1(a)–(c) of Executive Order 14059 of December 15, 2021, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” 86 FR 71549 (E.O. 14059). OFAC has selected to impose blocking sanctions pursuant to section 2(a)(i) of E.O. 14059 on the persons identified below.

As a result, the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. PETRO URREGO, Gustavo Francisco, Bogota, Colombia; DOB 19 Apr 1960; POB Zipaquira, Colombia; nationality Colombia; citizen Colombia; alt. citizen Italy; Gender Male; Cedula No. 208079 (Colombia) (individual) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

2. ALCOCER GARCIA, Veronica del Socorro, Bogota, Colombia; DOB 26 May 1976; POB Sincelejo, Colombia; nationality Colombia; Gender Female; Cedula No. 64575315 (Colombia) (individual) [ILLICIT–DRUGS–EO14059] (Linked To: PETRO URREGO, Gustavo Francisco).

Designated pursuant to section 1(b)(i)(B) of E.O. 14059 for having provided, or attempted to provide, financial, material, or technological support for, or goods or services in support of, Gustavo Francisco Petro Urrego, a person whose property and interests in property are blocked pursuant to E.O. 14059.

3. BENEDETTI VILLANEDA, Armando Alberto, Colombia; DOB 29 Aug 1967; POB Barranquilla, Colombia; nationality Colombia; Gender Male; Cedula No. 72148060 (Colombia) (individual) [ILLICIT-DRUGS-EO14059] (Linked To: PETRO URREGO, Gustavo Francisco).

Designated pursuant to section 1(b)(i)(B) of E.O. 14059 for having provided, or attempted to provide, financial, material, or technological support for, or goods or services in support of, Gustavo Francisco Petro Urrego, a person whose property and interests in property are blocked pursuant to E.O. 14059.

4. PETRO BURGOS, Nicolas Fernando, Barranquilla, Colombia; DOB 21 Jun 1986; POB Cienaga de Oro, Colombia; nationality Colombia; Gender Male (individual) [ILLICIT-DRUGS-EO14059] (Linked To: PETRO URREGO, Gustavo Francisco).

Designated pursuant to section 1(b)(i)(B) of E.O. 14059 for having provided, or attempted to provide, financial, material, or technological support for, or goods or services in support of, Gustavo Francisco Petro Urrego, a person whose property and interests in property are blocked pursuant to E.O. 14059.

Lawrence M. Scheinert,

Associate Director, Office of Foreign Assets Control.

[FR Doc. 2025-20152 Filed 11-17-25; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Interest Rate Paid on Cash Deposited To Secure U.S. Immigration and Customs Enforcement Immigration Bonds

AGENCY: Departmental Offices, Treasury.

ACTION: Notice.

SUMMARY: For the period beginning October 1, 2025, and ending on January 31, 2026, the U.S. Immigration and Customs Enforcement Immigration Bond interest rate is 3 per centum per annum.

DATES: Rates are applicable October 1, 2025, to January 31, 2026.

ADDRESSES: Comments or inquiries may be mailed to Will Walcutt, Supervisor, Funds Management Branch, Funds Management Division, Fiscal Accounting, Bureau of the Fiscal Services, Parkersburg, West Virginia 26106-1328.

You can download this notice at the following internet addresses: <<http://www.treasury.gov>> or <<http://www.federalregister.gov>>.

FOR FURTHER INFORMATION CONTACT:

Ryan Hanna, Manager, Funds Management Branch, Funds Management Division, Fiscal Accounting, Bureau of the Fiscal Service, Parkersburg, West Virginia 26106-1328 (304) 480-5120; Will Walcutt, Supervisor, Funds Management Branch, Funds Management Division, Fiscal Accounting, Bureau of the Fiscal Services, Parkersburg, West Virginia 26106-1328, (304) 480-5117.

SUPPLEMENTARY INFORMATION: Federal law requires that interest payments on cash deposited to secure immigration bonds shall be “at a rate determined by the Secretary of the Treasury, except that in no case shall the interest rate exceed 3 per centum per annum.” 8 U.S.C. 1363(a). Related Federal regulations state that “Interest on cash deposited to secure immigration bonds will be at the rate as determined by the Secretary of the Treasury, but in no case will exceed 3 per centum per annum or be less than zero.” 8 CFR 293.2. Treasury has determined that interest on the bonds will vary quarterly and will accrue during each calendar quarter at a rate equal to the lesser of the average of the bond equivalent rates on 91-day Treasury bills auctioned during the preceding calendar quarter, or 3 per centum per annum, but in no case less than zero. [FR Doc. 2015-18545]. In addition to this Notice, Treasury posts the current quarterly rate in Table 2b—Interest Rates for Specific Legislation on the Treasury Direct website.

The Acting Fiscal Assistant Secretary, Gary Grippo, having reviewed and approved this document, is delegating the authority to electronically sign this document to Heidi Cohen, Federal Register Liaison for the Department, for purposes of publication in the **Federal Register**.

Heidi Cohen,

Federal Register Liaison.

[FR Doc. 2025-20057 Filed 11-17-25; 8:45 am]

BILLING CODE 4810-AS-P

DEPARTMENT OF VETERANS AFFAIRS

[Docket No. VA-2025-VACO-0002]

Loan Guaranty: Assistance to Eligible Individuals in Acquiring Specially Adapted Housing; Cost-of-Construction Index for Fiscal Year 2026

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) announces that the aggregate amounts of assistance available under the Specially Adapted Housing (SAH) grant program have increased by 3.87 percent for fiscal year (FY) 2026.

DATES: The increases in the aggregate amounts outlined in this notice were effective as of October 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Jason Latona, Assistant Director for Specially Adapted Housing Policy and Native American Direct Loans, Loan Guaranty Service, Veterans Benefits Administration, 202-461-9201.

SUPPLEMENTARY INFORMATION: In accordance with 38 U.S.C. 2102(e), 38 U.S.C. 2102A(b)(2), 38 U.S.C. 2102B(b)(2), and 38 CFR 36.4411, the Secretary of Veterans Affairs announces for FY 2026 the aggregate amounts of assistance available to veterans and service members eligible for SAH program grants.

Section 2102(e)(2) of 38 U.S.C. authorizes the Secretary to increase the aggregate amounts of SAH assistance annually based on a residential home cost-of-construction index. Consistent with 38 CFR 36.4411(a), the Secretary uses the Turner Building Cost Index for this purpose. Such an increase will be equal to the percentage by which the Turner Building Cost Index for the most recent calendar year exceeds that of the next preceding calendar year. If, however, the Turner Building Cost Index for the most recent full calendar year is equal to or less than the next preceding calendar year, the percentage increase will be zero. See 38 CFR 36.4411(b).

In the most recent quarter for which the Turner Building Cost Index is available, second quarter 2025, the index showed a 3.87 percent increase over the index value listed for second quarter 2024. Turner Construction Company, <https://www.turnerconstruction.com/cost-index> (last visited July 31, 2025). Therefore, pursuant to 38 CFR 36.4411(a), the aggregate amounts of assistance for SAH grants made pursuant to 38 U.S.C. 2101(a) and 2101(b) will increase by 3.87 percent for FY 2026.

Sections 2102A(b)(2) and 2102B(b)(2) require the Secretary to apply the same percentage calculated pursuant to section 2102(e) to grants authorized pursuant to sections 2102A and 2102B. As such, the maximum amount of assistance available under these grants will also increase by 3.87 percent for FY 2026.

The increases were effective as of October 1, 2025. 38 U.S.C. 2102(e), 38

U.S.C. 2102A(b)(2), and 38 U.S.C. 2102B(b)(2).

SAH: Aggregate Amounts of Assistance Available During Fiscal Year 2026

Section 2101(a) Grants and Temporary Residence Adaptation (TRA) Grants

Effective October 1, 2025, the aggregate amount of assistance available for SAH grants made pursuant to 38 U.S.C. 2101(a) will be \$126,526 during FY 2026.

The maximum TRA grant made to an individual who satisfies the eligibility criteria under 38 U.S.C. 2101(a) and 2102A will be \$50,961 during FY 2026.

Section 2101(b) Grants and TRA Grants

Effective as of October 1, 2025, the aggregate amount of assistance available for SAH grants made pursuant to 38 U.S.C. 2101(b) will be \$25,349 during FY 2026.

The maximum TRA grant made to an individual who satisfies the eligibility criteria under 38 U.S.C. 2101(b) and 2102A will be \$9,099 during FY 2026.

Section 2102B Grants

Effective as of October 1, 2025, the amount of assistance available for grants made pursuant to 38 U.S.C. 2102B will be \$116,084 during FY 2026; however, the Secretary may waive this limitation for a veteran if the Secretary determines

a waiver is necessary for the rehabilitation program of the veteran.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on November 6, 2025, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Joseph Montanye,

*Alternate Federal Register Liaison Officer,
Department of Veterans Affairs.*

[FR Doc. 2025–20047 Filed 11–17–25; 8:45 am]

BILLING CODE 8320–01–P



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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Construction of the Alaska Liquefied Natural Gas Project in Prudhoe Bay, Alaska; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF108]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Construction of the Alaska Liquefied Natural Gas Project in Prudhoe Bay, Alaska

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to 8 Star Alaska, LLC (8 Star Alaska) to incidentally harass marine mammals during construction activities associated with the Alaska Liquefied Natural Gas (Alaska LNG) project in Prudhoe Bay, Alaska.

DATES: This authorization is effective for 1 year from the date of notification by the IHA-holder not to exceed 1 year from the date of issuance (November 11, 2025).

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-oil-and-gas>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Kristy Jacobus, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:**Background**

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms used above are included in the relevant sections below and can be found in section 3 of the MMPA (16 U.S.C. 1362) and NMFS regulations at 50 CFR 216.103.

Summary of Request

On June 21, 2024, NMFS received a request from Alaska Gasline Development Corporation (AGDC) for an IHA to take marine mammals incidental to construction activities in Prudhoe Bay, Alaska. The application was deemed adequate and complete on February 11, 2025. Following publication of the notice of proposed IHA (90 FR 16600, April 18, 2025) the applicant informed us that they are requesting issuance of the IHA to 8 Star Alaska, which is jointly owned by AGDC and Glenfarne Alaska LNG, LLC. Therefore, the applicant is hereafter referred to as 8 Star Alaska. 8 Star Alaska’s request is for take of six species of marine mammals by Level B harassment and, for a subset of three of these species, Level A harassment. Neither 8 Star Alaska nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued an IHA to AGDC in 2021 for the same activities (86 FR 10658, February 22, 2021). However, no work was conducted under that IHA.

This IHA will authorize incidental take during one year of the larger Alaska LNG project. The larger project involves a pipeline that will span approximately 807 miles (mi) (1,299 kilometers (km)) from a gas treatment facility on Alaska’s North Slope (North Slope) to a liquefaction and export facility in southcentral Alaska.

Description of the Specified Activity

8 Star Alaska plans to construct an integrated LNG project with interdependent facilities to liquefy supplies of natural gas from Alaska, in particular from the Point Thomson Unit and Prudhoe Bay Unit production fields on the North Slope. 8 Star Alaska plans to construct an Alaska LNG Gas Treatment Plant (GTP), which they will construct with large, pre-fabricated modules that can only be transported to the North Slope with barges (sealifts).

8 Star Alaska plans to modify the existing West Dock causeway and associated dock heads in Prudhoe Bay, AK to facilitate offloading modular construction components and transporting them to the GTP construction site. Vibratory and impact pile driving associated with the work at West Dock would introduce underwater sound that may result in take by Level A and Level B harassment of marine mammals in Prudhoe Bay, AK. 8 Star Alaska plans to conduct pile driving up to 24 hours per day on approximately 123 days from July through October during the open water (*i.e.*, ice-free) season.

A detailed description of the planned construction project is provided in the **Federal Register** notice for the proposed IHA (90 FR 16600, April 18, 2025). Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS’ proposal to issue an IHA to AGDC (now to 8 Star Alaska) was published in the **Federal Register** on April 18, 2025 (90 FR 16600). That notice described, in detail, 8 Star Alaska’s activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments.

During the 30-day public comment period, NMFS received comments from the Center for Biological Diversity (CBD), the North Slope Borough (NSB), and a member of the public. All relevant, substantive comments, and NMFS’ responses, are provided below. The comments and recommendations are available online at: <https://>

www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-oil-and-gas. Please see the comment submissions for full details regarding the recommendations and supporting rationale.

Comment 1: CBD comments that NMFS cannot issue “renewed” IHAs under the MMPA. They further argue that NMFS cannot issue a series of IHAs without a comprehensive analysis and must analyze and mitigate the total take it is proposing to authorize across both years. CBD further asserts that the 15-day comment period proposed for renewals is unlawful and places a burden on interested members of the public to review not only the original authorization and supporting documents but also the draft monitoring reports, the renewal request, and the proposed renewal authorization and then to formulate comments, all within 15 calendar days. They state that NMFS should set forth, via proposed regulation or policy document, its rationale for the renewal process and to allow public comment. CBD further states that NMFS should analyze the total take it is proposing to authorize across both years via the incidental take regulation process in section 101(a)(5)(A).

Response: The process of issuing a renewal IHA does not bypass the public notice and comment requirements of the MMPA. The notice of the proposed IHA initiates a 30-day public comment period and expressly notifies the public that under certain, limited conditions an applicant could seek a renewal IHA for an additional year. The notice describes the conditions under which such a renewal request could be considered and expressly seeks public comment in the event such a renewal is sought. Importantly, any such renewals (if issued) would be limited to where the activities are identical or nearly identical to those analyzed in the proposed IHA, monitoring does not indicate impacts that were not previously analyzed and authorized, and the mitigation and monitoring requirements remain the same, all of which allow the public to comment on the appropriateness and effects of a renewal at the same time the public provides comments on the initial IHA.

Importantly, renewal IHAs are evaluated by NMFS on a case-by-case basis and are not an automatic matter of right. Each 1-year IHA, including renewal IHAs, must independently satisfy the negligible impact standard for the authorized taking and include the means of effecting the least practicable adverse impact on the species or stock and its habitat and, where relevant, on the availability of

such species or stock for taking for subsistence uses (*i.e.*, mitigation). Moreover, NMFS is not proposing to issue a “series” of IHAs. For these reasons, a comprehensive analysis of the impacts of potential take across two years is not necessary under the MMPA. Any renewal request would be evaluated under the appropriate statutes (*e.g.*, MMPA, National Environmental Policy Act (NEPA), and Endangered Species Act (ESA)) for compliance with relevant standards. These analyses would consider the environmental baseline at that time, including any impacts of the IHA we have issued.

Should a renewal request be made, additional documentation would be required from 8 Star Alaska that NMFS would make publicly available. NMFS would verify that the activities proposed in the renewal request are identical to those in the initial IHA and that the appropriate analysis and scope and scale of effects had been conducted for the initial IHA. NMFS would also confirm, among other things, that the activities would occur in the same location; involve the same species and stocks; provide for continuation of the same mitigation, monitoring, and reporting requirements; and that no new information has been received that would alter the prior analysis. If new information has been received that would alter the prior analysis, that information would be analyzed in the notice of the proposed renewal IHA. A renewal request would also describe preliminary monitoring data, specifically to verify that effects from the activities do not indicate impacts of a scale or nature not previously analyzed. Any renewal request is subject to an additional 15-day public comment period that provides the public an opportunity to review this information, provide any additional pertinent information and comment on whether the criteria for a renewal have been met. Between the initial 30-day comment period on these same activities and the additional 15 days, the total comment period for a renewal would be 45 days.

In addition to the IHA renewal process being consistent with all requirements under section 101(a)(5)(D), it is also consistent with Congress’ intent for issuance of IHAs to the extent reflected in statements in the legislative history of the MMPA. Through the provision for renewals in the implementing regulations, description of the process and express invitation to comment on specific potential renewals in the Request for Public Comments section of each proposed IHA, the description of the process on NMFS’

website, further elaboration on the process through responses to comments such as these, posting of substantive documents on the agency’s website, and provision of 30 or 45 days for public review and comment on all proposed initial IHAs and renewals respectively, NMFS has ensured that the public has and would have a full opportunity to meaningfully participate in the agency’s decision-making process.

Comment 2: CBD asserts that NMFS incorrectly assumes that requiring aircraft to maintain an elevation of 457 m will fully mitigate take of marine mammals. They assert that when it is not possible to maintain that height due to environmental conditions, those same conditions may not allow for mitigation of harassment due to visibility and safety concerns. CBD therefore asserts that NMFS should consider harassment from aircraft noise.

Response: NMFS assessed the impacts of aircraft and does not expect aircraft noise from this project to result in the take of marine mammals. Born *et al.* (1999) analyzed “escape responses” (*i.e.*, hauled out animals entering the water) from an aircraft and a helicopter flying at an altitude of 150 meters (m) (492 feet [ft]) and determined the probability of seals escaping in relation to distance from aircraft using categorical data analysis and logistic regression analysis. The results of the study indicated that if the aircraft do not approach the seals closer than 500 m (1,640 ft) at that altitude, the risk of flushing the seals into the water can be greatly reduced.

NMFS’ requirement that all aircraft must transit at an altitude of 457 m (1,500 ft) or higher, to the extent practicable, while maintaining Federal Aviation Administration flight rules (*e.g.*, avoidance of cloud ceiling, *etc.*), excluding takeoffs and landing, is significantly higher than the 150 m aircraft and helicopter altitudes analyzed in Born *et al.* (1999). If flights must occur at altitudes less than 457 m (1,500 ft) due to environmental conditions, aircraft will make course adjustments, as needed, to maintain at least a 457 m (1,500 ft) separation from all observed marine mammals. Helicopters (if used) will not hover or circle above marine mammals.

Further, as stated in the Acoustic Impacts section of the notice of the proposed IHA, there are no known pinniped haulouts near the project location. While an individual animal could haul out under a flight path, given the lack of haulouts in the area and minimal use of aircraft, the likelihood of that occurring at the same time that an aircraft is passing overhead during a

period when implementing the required mitigation is not practicable is discountable. NMFS, therefore, disagrees that 8 Star Alaska's use of aircraft is likely to result in harassment.

Comment 3: CBD asserted that NMFS failed to consider additional noise reduction technologies such as bubble curtains, pile caps, dewatered cofferdams, and other physical barrier mitigation techniques. CBD cited NMFS' previous statements regarding use of bubble curtains during vibratory pile driving at the Port of Alaska (89 FR 85686, October 29, 2024) in recommending that bubble curtains should be required for use during vibratory driving associated with this project. They state that, while shallower water might make bubble curtains less effective, they are still a proven mitigation strategy and one that NMFS must use to satisfy the least practicable adverse impact standard. Similarly, NSB also recommends that NMFS require 8 Star Alaska to implement the use of sound attenuation devices when pile driving at West Dock.

Response: NMFS fully considered whether requiring the use of bubble curtains or other sound attenuation methods was appropriate for this IHA, and included additional explanation of these considerations below. Where conditions are conducive to use of sound attenuation devices, it may be appropriate to require that they be used as a mitigation technique. However, the current conditions in the project area do not lend themselves to the use of bubble curtains for attenuation. The majority of the project area is in water of 3 m (9.8 ft) depth or less. In shallow water, sound source level reductions from the use of bubble curtains are expected to be minimal, based on a wealth of data from similar pile driving in California (Caltrans, 2020), and CBD provides no information to support that the use of bubble curtains in shallow water provides any benefit. The use of bubble curtains can be time consuming and costly, and therefore, because of their minimal effectiveness in shallow water, their use is not practicable and 8 Star Alaska is not required to use them under this IHA. In addition, effective deployment of a bubble curtain system is logistically challenging in shallow water, and there is potential for sea ice, which would make deployment and use of sound attenuation systems even more challenging. Sound attenuation devices have not been used for pile driving in this area during past projects, as a result of these concerns.

NMFS acknowledges describing bubble curtains as effective and important mitigation measures in

certain circumstances. However, the statements referenced by CBD were made in regards to construction at the Port of Alaska in Anchorage and in relation to the ESA-listed Cook Inlet beluga whale distinct population segment (DPS). For the Port of Alaska project, bubble curtains during vibratory pile driving were expected to minimize the potential for impacts to ESA-listed Cook Inlet beluga whales transiting through the relatively narrow Knik Arm to critical foraging areas. This same scenario is not present in 8 Star Alaska's project area in Prudhoe Bay, and the current action does not present the same risks to beluga whales as those anticipated for the Port of Alaska project. For example, 8 Star Alaska's project area in Prudhoe Bay does not occur within a narrow strait that animals must travel through in order to reach critical foraging area. Further, outside this context, NMFS does not typically agree that use of a sound attenuation device is warranted for vibratory pile driving due to the lower potential for more harmful impact from vibratory pile driving.

NMFS notes that in some instances during the project, such as during the gravel pouring at the barge bridge abutments, sheet piles will act as a barrier to noise. NMFS considered this noise isolation in its effects analysis, but did not refer to the sheet piles as a cofferdam or mitigation measure, as they are a planned construction component, rather than an additional mitigation measure.

Pile caps are generally used, regardless of regulatory requirements, to protect piles and equipment during impact pile driving. While NMFS expects that pile caps will likely be used during this project due to their common usage for the aforementioned purposes, we do not typically consider pile caps to be an effective noise mitigation method. They are typically made of wood or plastic and are designed to compress and fracture during use, limiting their consistency with respect to noise mitigation and potentially leading to safety issues if replaced during hammer operations (Caltrans, 2020).

When considering the least practicable adverse impact, NMFS takes into consideration the degree to which the implementation of the measure is expected to reduce impacts and considers the practicability of the measures for applicant implementation. 8 Star Alaska intends to complete as much construction as possible during the ice-free period. Use of additional sound attenuation devices, such as dewatered cofferdams, would likely

result in delays and extension of the project, rendering them impracticable.

Comment 4: NSB states that if sound attenuation devices are not used by 8 Star Alaska, NMFS should require a monitoring program that allows for protected species observers (PSOs) to observe most of the Level A and Level B harassment zones during the open water period.

NSB further stated that it is important that industrial activities are mitigated as much as possible to reduce possible impacts to hunters' ability to land whales. NSB asserted if a marine mammal is about to enter or is within the Level A harassment zone, the observer must halt operations to prevent injury and stated that NMFS should require 8 Star Alaska to have a monitoring plan that allows observers to see the entire Level A harassment zone.

Response: NMFS is required to include measures that ensure the least practicable adverse impact. The least practicable adverse impact standard includes a practicability component, and it is not practicable for 8 Star Alaska to observe the entire Level A and Level B harassment zones for all species during all activities, given that the largest Level A harassment zone is 1,190 m (3,904 ft) and the largest Level B harassment zone is 4,642 m (15,230 ft). Monitoring the full zones would require multiple vessels, which is a great expense, potential safety risk to boat crew PSOs, and would result in additional vessel traffic in the project area.

8 Star Alaska will attempt to complete construction during the open-water period and the extended daylight on the North Slope. Consequently, the majority of the work will be completed during daylight hours, which allows for greater opportunities to observe marine mammals. Additionally, as stated in the *Mitigation for Marine Mammals and Their Habitat* section, PSOs will test and use night vision devices (NVDs) and infrared (IR) for nighttime and low visibility monitoring. The IHA also requires 8 Star Alaska to record visibility conditions every 30 minutes throughout construction, which will inform the portion of the estimated Level A and Level B harassment zones PSOs were able to observe.

As stated in the *Ensonified Area* section of this notice, 8 Star Alaska and NMFS modeled the Level A and Level B harassment zones using practical spreading. NMFS expects that the calculated zone sizes are conservative given that the water in the project area is shallow and sound does not propagate well in shallow water. Further, 8 Star Alaska and NMFS

estimated the Level A harassment isopleths using NMFS' optional User Spreadsheet. Because of some of the assumptions included in the methods underlying this tool, NMFS anticipates that the resulting isopleth estimates are typically going to be overestimates. For example, the User Spreadsheet assumes that an animal will stay stationary at a given distance throughout the activity and will receive and accumulate energy from all assumed pile strikes in a 24-hour period, which are unlikely scenarios. Additionally, 8 Star Alaska intends to conduct sound source verification (SSV) to verify sound source levels, propagation, and the Level A and Level B harassment zone sizes. NMFS intends to update the Level A and Level B harassment zone sizes with the verified zone sizes and potentially the associated shutdown zones, as appropriate. It is likely that the SSV will reflect smaller zone sizes, which would therefore be easier for PSOs to observe a larger portion of the zones.

The monitoring required by the final IHA will allow NMFS to have an estimate of the actual number of takes that result from the activities relative to the number authorized. PSO observations in the area visible to them will provide a good sample of the actual takes of marine mammals. Additionally, the IHA also includes a requirement for 8 Star Alaska to deploy three hydrophones during the open-water season, and one during the contingency period (should construction be required during that time) to conduct passive acoustic monitoring (PAM). While these devices will not be monitored in real-time or used for the purposes of implementing mitigation, PAM detections of marine mammals will further inform the actual number of takes that result from the activities relative to the number authorized. Please see the Monitoring and Reporting section for additional information.

Comment 5: CBD asserts that NMFS' negligible impact determination for all species relies, in large part, on mitigation measures that rely nearly exclusively on visual monitoring measures. They assert that NMFS assumes that the use of PSOs as mitigation will be effective and that NMFS fails to acknowledge the difficulty of accurately observing marine mammals from shore.

Response: NMFS disagrees with the comment. NMFS did not rely solely on the mitigation in order to reach its findings under the negligible impact standard. As NMFS stated in the analysis, consideration of the implementation of prescribed mitigation is one factor but is not determinative in

any case. In certain circumstances, mitigation is more important in reaching the negligible impact determination, e.g., when mitigation helps to alleviate the likely significance of taking by avoiding or reducing impacts in important areas. Our discussion in the Negligible Impact Analysis and Determination section below contains the factors NMFS considered in reaching its negligible impact determinations. Although NMFS' implementing regulations at 50 CFR 216.104(c) state that NMFS may incorporate successful implementation of mitigation measures to arrive at a negligible impact determination, for issuance of an IHA to 8 Star Alaska for pile driving activities in Prudhoe Bay, NMFS did not rely upon an assumption of set level of effectiveness in mitigation to make our negligible impact determinations.

In the Proposed Mitigation section of the notice of the proposed IHA (90 FR 16600, April 18, 2025), NMFS states that placement of PSOs on elevated structures on West Dock will allow PSOs to observe phocids within the Level A and Level B harassment zones, to an estimated distance of 500 m. NMFS states that due to the large Level A and Level B harassment zones, PSOs will not be able to effectively observe the entire zones during all activities for all species. While NMFS does not assume total effectiveness of monitoring, NMFS expects the mitigation based upon visual observations will be effective in minimizing impact to marine mammals, and NMFS has appropriately determined that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Comment 6: NSB recommended that NMFS require 8 Star Alaska to consult with NMFS, the Borough, and the Alaska Eskimo Whaling Commission (AEWC) to ensure that there are enough acoustic monitoring devices deployed and placed in the most appropriate locations and distances from West Dock. In a related comment, CBD asserts that PSOs will not be available at all times to monitor all activities, and that even if observers were available, they cannot observe the entirety of zones. CBD asserts that by not requiring real-time PAM, NMFS fails to ensure the least practicable impact to marine mammals affected by this project.

Response: NMFS and 8 Star Alaska have had extensive discussions about potential mitigation for marine mammals, including measures recommended by the Peer Review Panel

(PRP) and by commenters. 8 Star Alaska has consulted further with NSB and AEWC and intends to continue to do so, as stated in the Plan of Cooperation (POC). 8 Star Alaska will deploy three hydrophones in its PAM setup during the open-water season. If work is required during the ice-covered contingency period, 8 Star Alaska will deploy one hydrophone during that construction. Additional hydrophones during the contingency period are not warranted, as we do not expect cetaceans to be present in the area during this time (Quakenbush *et al.*, 2018, Citta *et al.*, 2016) and while ringed seals likely will be present, few, if any, spotted or bearded seals are likely to be present during that time (Bengston *et al.*, 2005; Lowry *et al.*, 1998; Simpkins *et al.*, 2003). NMFS does not expect the use of PAM to conduct real-time mitigation to be notably more effective in minimizing impacts than the included requirements due to the limited expected marine mammal vocalizations expected during the project period. Moreover, the significant additional cost and effort associated with real-time PAM implementation are impracticable. Therefore, in consideration of these limitations, further described in the *Monitoring Plan Peer Review* section of the proposed IHA (90 FR 16600, April 18, 2025) and in this notice, NMFS did not require 8 Star Alaska to use PAM to conduct real-time mitigation.

NMFS expects PSOs will be able to effectively monitor shutdown zones and implement shutdown procedures as appropriate, minimizing instances of auditory injury and reducing the duration and/or intensity of Level B harassment events. It is unclear what CBD is referring to when they state that PSOs will not be available at all times, as at least two PSOs will be present during all pile driving and removal activities. PSOs will begin monitoring 3 days prior to the onset of pile driving and removal activities and continue through 3 days after completion of the pile driving and removal activities. PSOs will monitor 24 hours per day, even during periods when construction is not occurring.

After evaluating all of the applicable information, NMFS has concluded that the required mitigation measures will effect the least practicable adverse impact on the affected marine mammal species and stocks and their habitats.

Comment 7: CBD asserted that NMFS failed to consider the use of drones, in addition to PSOs, to detect the presence of marine mammals.

Response: NMFS agrees that drones can be an effective tool for monitoring

marine mammals during certain projects. NMFS believes that visual monitoring and the related protocols NMFS has prescribed are, however, an appropriate part of the suite of mitigation measures here that satisfy the MMPA's least practicable adverse impact standard. The use of drones would not substantially increase the effectiveness of the mitigation measures or effect the least practicable adverse impact determination. The use of drones is also not practicable for 8 Star Alaska to implement due to operational constraints including line-of-sight limits for operating drones, battery range/duration, the need for Federal Aviation Administration licensed and trained staff, and the distance limitations of some drones would render them unusable for observing for long periods. Thus visual monitoring and related protocols satisfy the MMPA's least practicable adverse impact standard.

Comment 8: CBD recommends that NMFS should assume that each acoustic detection during pile driving or removal represents a take by Level B harassment. This recommendation is based on the PRP's recommendation that, using real-time PAM, each acoustic detection that occurs during pile driving or removal should be considered a take by Level B harassment.

Response: NMFS disagrees with the recommendation that NMFS should assume that each acoustic detection during pile driving or removal should be considered a take by Level B harassment. The PRP recommended that 8 Star Alaska use real-time PAM to estimate takes by Level B harassment only in the far field, assuming that each acoustic detection that occurs during pile driving or removal represents a Level B harassment take. However, as described in the *Monitoring Plan Peer Review* section of the proposed IHA (90 FR 16600, April 18, 2025) and in this notice, NMFS does not agree with these recommendations and is not requiring 8 Star Alaska to use real-time PAM. Furthermore, 8 Star Alaska does not intend to set the hydrophones up as a localization array, and therefore, the data will not be appropriate for reporting specific locations of marine mammal detections.

An animal's occurrence within the estimated Level B harassment zone does not necessarily mean that it was actually taken by Level B harassment, absent data regarding received noise levels and behavioral response of the animal. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "Level B harassment" as any act of pursuit, torment, or annoyance, which has the potential to

disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering. As such, assuming that each acoustic detection is a take by Level B harassment would not be appropriate, as Level B harassment may not have occurred.

Comment 9: CBD asserts that NMFS' "take estimates from modeling likely underestimate or incorrectly estimate take and therefore the negligible impact analysis is flawed." They state that NMFS based estimates on assumption of uniform densities within the project area even though NMFS acknowledges that uniform density through the Level A and Level B harassment zones is not likely appropriate for this project.

Response: NMFS disagrees with the commenter's assertion that "take estimates from modeling likely underestimate or incorrectly estimate take and therefore the negligible impact analysis is flawed." As described in the response to comment 4, the Level A and Level B harassment zones are likely overestimates given modeling assumptions. In addition, as described in the *Marine Mammal Occurrence* section, the cetacean densities are likely overestimates given the offshore location of the surveys relied upon. Therefore, if anything, the marine mammal take numbers are likely overestimates.

NMFS acknowledges that given varying habitat attributes throughout the zones such as distance from the shore and water depth, marine mammals likely do not occur in a uniform density within the harassment zones. NMFS used an average density over the project area, using the best available data, to calculate estimated take numbers. These densities are described further in the *Marine Mammal Occurrence* section of the notice of proposed IHA and this final IHA. NMFS is not aware of, nor has the commenter provided, more spatially explicit density estimates that would allow for a more refined take estimate.

Comment 10: CBD states that NMFS' requirement for 8 Star Alaska to initiate pile driving prior to March 1 during the contingency period to discourage ringed seals from establishing birthing lairs near pile driving should not be considered to mitigate harassment, but instead should be considered as additional take.

Response: Winter and spring construction activities could result in the disruption of a ringed seal's behavioral patterns (*i.e.*, if a seal would have otherwise built a lair in the project

area, it could be displaced). However, a seal which is taken by Level B harassment by behavioral disturbance (causing it to build its lair in a different location) would still be counted as one take by Level B harassment, though it is important to consider how the impacts of different types of take may impact an individual.

Tagging data suggest that ringed seals utilize multiple lairs and Kelly *et al.* (1986) determined that, on average, one seal used 2.85 lairs, although the authors suggested that this is likely an underestimate. Density estimates for the number of ringed seal ice structures have been calculated (Frost and Burns 1989; Kelly *et al.* 1986; Williams *et al.* 2002), and the average density of ice structures from these reports is 1.58/km². As such, it is unreasonable to expect that more than a few takes from the displacement of seal lair construction, an above water behavior, would occur. These few specific potential takes are adequately addressed by the take estimate and authorization and their impacts have been appropriately considered in the analysis. There are many other available locations for the seals to construct their lairs away from the project area, so potentially preventing a few individual seals from constructing lairs in the project area is not expected to negatively affect pupping success. NMFS also notes that construction is only expected to occur during this contingency period if 8 Star Alaska is unable to complete construction during the open-water season, and NMFS expects that if 8 Star Alaska works during the contingency period, it would be because of construction delays (and therefore, days on which they did not work) during their planned open water work season.

Comment 11: A member of the public asserts that cumulative impacts are being ignored. The commenter states that NEPA requires Federal agencies to account for cumulative impacts and that NMFS must conduct a full cumulative impacts analysis. The commenter points to plans for expanded oil and gas development, deep sea and seabed mining, Arctic shipping corridors, and new military infrastructure in the Arctic.

Response: NMFS participated as a cooperating agency on the Federal Energy Regulatory Commission's (FERC) 2020 Alaska LNG Project Final Environmental Impact Statement (FEIS), which was finalized on March 6, 2020, and is available at <https://www.ferc.gov/industries-data/natural-gas/environment/final-environmental-impact-statement-feis>. The FEIS

concluded that cumulative impacts would be unlikely or minor. NMFS independently reviewed and evaluated the 2020 Alaska LNG Project FEIS and determined that it was adequate and sufficient to meet our responsibilities under NEPA for the issuance of the 2020 Prudhoe Bay IHA (86 FR 10658, February 22, 2021). NMFS therefore adopted the 2020 Alaska LNG Project FEIS on February 16, 2021. Regarding new information, NMFS prepared a supplemental information report (SIR) which documents NMFS' reevaluation and analysis of whether supplementation is needed for the Alaska LNG Project FEIS pursuant to NEPA. The SIR considered new information since the publication of the 2020 Alaska LNG Project FEIS as well as minor changes to the project and analyses. As described in the SIR, these do not amount to a substantial change relevant to environmental concerns, and the new information does not alter the significance of adverse effects that bear on the analysis in the 2020 Alaska LNG FEIS. Therefore, supplementation of the 2020 Alaska LNG FEIS is not needed, and the 2020 Alaska LNG FEIS remains valid. Additionally, NMFS issued a Biological Opinion under section 7 of the ESA that independently considered the reasonably foreseeable cumulative effects of activities on ESA-listed species and determined that 8 Star Alaska's proposed action is not likely to jeopardize the continued existence of ESA-listed species in the action area.

Comment 12: CBD asserts that NMFS' take estimate has not accounted for the cumulative stresses on the species from climate change, and that NMFS must account for how the impacts from climate change will make ice seals more vulnerable to impacts from other stressors, including pile driving from this project.

Response: NMFS' take estimates appropriately consider the take anticipated to occur from 8 Star Alaska's activities in Prudhoe Bay, Alaska. Both the statute and the agency's implementing regulations call for analysis of the effects of the applicant's activities on the affected species and stocks, not analysis of other unrelated activities and their impacts on the species and stocks. That does not mean, however, that effects on the species and stocks caused by other activities are ignored. The preamble for NMFS' implementing regulations under section 101(a)(5) (54 FR 40338; September 29, 1989) explains in response to comments that the impacts from other past and ongoing anthropogenic activities are to be incorporated into the negligible impact analysis via their impacts on the

environmental baseline. Consistent with that direction, NMFS has factored into its negligible impact analyses the impacts of other past and ongoing anthropogenic activities via their impacts on the baseline (e.g., as reflected in the density/distribution and status of the species, population size and growth rate, and other relevant stressors). See the Negligible Impact Analysis and Determination section of this notice.

NMFS' 1989 final rule for the MMPA implementing regulations also addressed public comments regarding cumulative effects from future, unrelated activities. There we stated that such effects are not considered in making findings under section 101(a)(5) concerning negligible impact. We indicated that NMFS would consider cumulative effects that are reasonably foreseeable when preparing a NEPA analysis and also that reasonably foreseeable cumulative effects would be considered under section 7 of the ESA for ESA-listed species.

In this case, we have found that the total marine mammal take from the planned activity will have a negligible impact on all affected marine mammal species or stocks, small numbers of marine mammals will be taken relative to the population size of the affected species or stocks, and that there will not be an unmitigable adverse impact on subsistence uses from 8 Star Alaska's planned activities. Further, the cumulative effects to listed species of the specified activity in combination with other activities are analyzed in the ESA biological opinion, and the cumulative impacts to the human environment are considered in the Alaska LNG Project Final FEIS, both of which consider changing environmental conditions.

Comment 13: NSB states that noise likely to be produced by the project has the potential to propagate as far as the migratory path of bowheads and possibly deflect whales to the north away from the typical migratory path. NSB comments that due to the possible consequences to subsistence communities, it is important that industrial activities are mitigated as much as possible to reduce possible impacts to hunters' ability to land whales, and that it is incumbent on NMFS to ensure that 8 Star Alaska's proposed activity will not have an unmitigable adverse impact on the availability of bowhead whales for subsistence uses.

Response: In order to issue an IHA, NMFS must find that the specified activity will not have an "unmitigable adverse impact" on the subsistence uses

of the affected marine mammal species or stocks by Alaskan Natives.

The communities of Nuiqsut, Utqiagvik and Kaktovik engage in subsistence harvests off the North Slope of Alaska. Noise from 8 Star Alaska's activities is not expected to affect the subsistence activities of users from Utqiagvik and Kaktovik due to their distance from 8 Star Alaska's activities, Kaktovik's very limited use of waters offshore of Prudhoe Bay, and considering that the planned activities would occur in an already developed area. Utqiagvik is approximately 320 km (200 mi) from West Dock, and farther north, and disruption of bowhead whale behavioral patterns as a result of 8 Star Alaska's pile driving is not expected to impact individuals in the vicinity of Utqiagvik's whale harvesting area. As described in the Estimated Take of Marine Mammals section, only a small number of takes of bowhead whales (a maximum of 110 takes, less than 1 percent of the stock abundance) are expected to be disturbed by the construction activities, and even if some subset of these individuals deflected farther offshore near the project site, it is reasonable to predict that most individuals would likely resume a more typical migration path by the time they reach the Utqiagvik hunting area and, therefore, significant impacts to the Utqiagvik hunt would not be expected. However, 8 Star Alaska is required to continue coordinating with subsistence groups, including the Whaling Captains Associations (Utqiagvik, Nuiqsut, and Kaktovik), as described in the POC. This additional coordination may result in additional mitigation measures, if agreed upon by the communities and 8 Star Alaska. 8 Star Alaska will also conduct SSV to determine sound source levels and propagation for the construction noise, which will further inform and refine our understanding of the distance to which the construction noise is expected to propagate and the likely impact on marine mammals (including bowhead whales). As described in the notice of the proposed IHA (90 FR 16600; April 18, 2025), even if a small subset of taken bowhead whales were to deflect further offshore, NMFS expects that individuals would resume a more typical migration pathway by the time they reached Utqiagvik and Kaktovik.

As noted in NSB's letter, NMFS is requiring a number of measures to mitigate effects to subsistence hunting as discussed in the *Mitigation for Subsistence Uses of Marine Mammals or Plan of Cooperation* section. This includes robust communication with subsistence users as described in the

POC, including AEWC and Whaling Captain Associations, as recommended by the commenter and discussed further in response to Comment 15. 8 Star Alaska must cease pile driving and limit barges to waters landward of Cross Island during the Nuiqsut whaling season (typically August 25th to September 15th). Further, the mitigation for marine mammals is expected to reduce the frequency and severity of takes of marine mammals.

8 Star Alaska is required by FERC to enter a Conflict Avoidance Agreement (CAA) for the construction season. NMFS supports and encourages participation of applicants in the CAA process, though it does not require applicants to sign the CAA.

Based on the description of 8 Star Alaska's activities, the mitigation measures for subsistence and marine mammals, and monitoring measures, NMFS has determined that there will not be an unmitigable adverse impact on subsistence uses from 8 Star Alaska's activities. Please see the Unmitigable Adverse Impact Analysis and Determination section of this notice for further discussion.

Comment 14: NSB comments that 8 Star Alaska anticipated three Level A harassment takes of bowhead whales, but NMFS is not authorizing any Level A harassment takes for bowhead whales. They state that it is unclear how NMFS reached that conclusion. NSB further expresses concern that Level A harassment can result in injury or mortality.

Response: NMFS disagrees that it was unclear how we reached the determination that Level A harassment of bowhead whales is not expected to occur.

As described in the Estimated Take of Marine Mammals section of the proposed IHA (90 FR 16600, April 18, 2025) and this notice, NMFS does not expect bowhead whales to occur within the Level A harassment zones due to the shallow waters (approximately 19 ft [5.8] in depth at the isopleth), lack of historic sightings, and required mitigation. Waters less than 15 ft [4.6 m] deep are considered too shallow to support these whales, and in three decades of aerial surveys by the Bureau of Ocean Energy Management (BOEM) (Aerial Surveys of Arctic Marine Mammals [ASAMM]), no bowhead whale has been recorded in waters less than 16.4 ft (5 m) deep (Clarke and Ferguson 2010). Further, no bowhead whales have been observed during ASAMM surveys in Block 1a (which encompasses the Level A harassment zone) (Clarke *et al.*, 2017b, 2018, 2019, 2020). Shutdown requirements within

designated shutdown zones for low-frequency (LF) cetaceans (which includes bowhead whales) are expected to prevent take by Level A harassment given the large size and visibility of bowhead whales. Additionally, Level A harassment zones are calculated with an associated duration component based on the amount of pile driving expected to occur within one day. Therefore, a marine mammal is not taken by Level A harassment instantaneously when it enters the Level A harassment zone, and given the shallow depths, even if a bowhead did enter the Level A harassment zone, we would not expect it to remain within the zone for a long enough period to incur auditory injury. Therefore, as described in the Estimated Take of Marine Mammals section of the notice of the proposed IHA and this final IHA, we do not expect Level A harassment of bowhead whales to occur, and no such take is authorized.

NMFS further notes, as described in the notice of the proposed IHA (90 FR 16600, April 18, 2025), that Level A harassment includes any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild. For this IHA, NMFS authorized Level A harassment of bearded seal, ringed seal, and spotted seal as individuals of these stocks are likely to incur auditory injury. Level A harassment does not include serious injury or mortality, and, as described in the proposed IHA (90 FR 16600, April 18, 2025), no serious injury or mortality is anticipated or authorized.

Comment 15: NSB requests that 8 Star Alaska be directed to meet and consult with the AEWC, respective Whaling Captains Associations, and the Ice Seal Committee prior to any project-related activities to ensure that the most appropriate and applicable measures are in place to avoid impacting the availability of bowhead whales and ice seals, respectively, for subsistence uses.

Response: The IHA includes a requirement that 8 Star Alaska must conduct coordination with subsistence communities as described in the POC. This includes coordination with AEWC, Whaling Captains Associations (Utqiagvik, Nuiqsut, and Kaktovik), and the Ice Seal Committee, as recommended by the commenter. 8 Star Alaska will continue to work with NMFS, AEWC, and the Whaling Captains Associations from Utqiagvik, Nuiqsut, and Kaktovik, to develop and agree to a Communications Plan. The goals along with the timeline, tools, and process for developing a robust Communications Plan are provided in Appendix C of the revised POC, available at <https://www.fisheries.noaa.gov/action/incidental-take-authorization-alaska-gasline-development-corporation-liquefied-natural-gas-0>. The Communications Plan will be implemented before initiating construction operations to minimize the risk of interfering with subsistence hunting activities. 8 Star Alaska will continue to work closely with subsistence hunters from North Slope communities, including the Ice Seal Committee, to minimize disturbance of subsistence hunting. If additional measures are agreed upon, they will be added to the POC, which 8 Star Alaska is required by the IHA to follow.

Comment 16: NSB expresses concern about takes by Level A harassment of ringed, spotted, and bearded seals given their importance for subsistence and that they are difficult to monitor. NSB expresses further concern about pile driving during the ice covered season, as seals continue to use the area for feeding and pupping. They assert that monitoring seals under ice, especially to prevent Level A harassment takes and avoid serious injury or mortality, is difficult. They comment that if 8 Star Alaska is going to conduct pile driving during the ice-covered period, adequate monitoring must be required by NMFS, including acoustic monitoring.

Response: 8 Star Alaska has considered the potential to conduct pile driving during its winter/spring contingency period. However, 8 Star Alaska intends to complete construction during the open-water season when the additional ice-related concerns raised by NSB are not a concern, and seals are not building or using lairs. If 8 Star Alaska does conduct construction during the ice-covered season, it will implement mitigation and monitoring measures for seals that are expected to avoid injury of seals, and minimize potential disturbance of seals, as described in the Mitigation section of this notice and in the *Monitoring Plan Peer Review* section of this notice.

8 Star Alaska has informed NMFS that it is highly motivated to complete work during the open-water season, as work during the ice-covered winter/spring contingency period would require additional equipment and include other constraints.

Regarding monitoring, if construction during the contingency period is required, 8 Star Alaska will deploy one hydrophone for PAM of marine mammals. Additional hydrophones during the contingency period are not warranted, as we do not expect cetaceans to be present in the area during this time (Quakenbush *et al.*, 2018, Citta *et al.*, 2016) and while ringed

seals likely will be present, few, if any, spotted or bearded seals are likely to be present during that time (Bengston *et al.*, 2005; Lowry *et al.*, 1998; Simpkins *et al.*, 2003). NMFS is not including specific location requirements for 8 Star Alaska's hydrophone placement, as the location will depend on conditions in the construction year. A location for the contingency period hydrophone would be selected closer to construction and must be reviewed by NMFS, the NSB, and the AEWC, and approved by NMFS prior to deployment. While the device will not be monitored in real-time or used for the purposes of implementing mitigation, PAM detections of marine mammals will further inform the actual number of takes that result from the activities relative to the number authorized.

PSOs will be present for all pile driving during the contingency period, and a subsistence advisor would be present during this period to survey areas within a buffer zone of Dock Head 4 (DH4) where water depth is greater than 10 ft (3m) to identify potential ringed seal structures before activity begins.

Comment 17: A member of the public commented that the 2020 Alaska LNG Biological Opinion is not sufficient to analyze effects to species listed under the ESA, and that a new ESA consultation is necessary.

Response: As stated in the proposed IHA (90 FR 16600, April 18, 2025), section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the promulgation of regulations, NMFS consults internally whenever we propose to authorize take for endangered or threatened species, in this case with the Alaska Regional Office (AKRO).

NMFS issued a Biological Opinion on June 3, 2020, concluding that the issuance of an IHA for the same project activities in Prudhoe Bay was not likely to jeopardize the continued existence of the threatened and endangered species under NMFS' jurisdiction. On July 14, 2025, NMFS OPR reinitiated consultation with NMFS AKRO pursuant to Section 7 of the ESA on the issuance of an IHA to 8 Star Alaska. As described in this final IHA, AKRO issued a Biological Opinion which found that the Alaska LNG project is not likely to jeopardize the continued existence of the bowhead whale,

bearded seal (Beringia DPS), and ringed seal (Arctic subspecies).

Comment 18: A member of the public states that NMFS must demonstrate that it has fully considered how disruptions to marine mammal behavior and abundance will affect subsistence practices under the MMPA and Executive Order (E.O.) 13175 (Consultation and Coordination with Indian Tribal Governments).

Response: In order to issue an IHA, NMFS must find that the specified activity will not have an "unmitigable adverse impact" on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined "unmitigable adverse impact" in 50 CFR 216.103 as an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Given the nature of the activity, and the required mitigation measures, serious injury and mortality of marine mammals is not expected to occur. Impacts to marine mammals would mostly include limited, temporary behavioral disturbances of seals, however, some slight auditory injury in seals within the lower frequencies associated with pile driving is possible. Additionally, a small number of takes of bowhead whales, by Level B harassment only, are predicted to occur in the vicinity of 8 Star Alaska's activity. As described above, the required mitigation measures, such as implementation of shutdown zones, are expected to reduce the frequency and severity of takes of marine mammals. The low frequency and severity of harassment effects is not expected to result in impacts on the reproduction or survival of any individuals, let alone have impacts on annual rates of recruitment or survival of this stock, and therefore, impacts to stock abundance are not anticipated.

Project activities could deter target species from Prudhoe Bay and the area ensonified above the relevant harassment thresholds. However, as described in the Effects of Specified Activities on Subsistence Uses of Marine Mammals section of this notice, subsistence use of seals and beluga whales is extremely limited in this area, as it is not within the preferred and

frequented hunting areas. Bowhead whales typically remain outside of the area between the barrier islands and Prudhoe Bay, minimizing the likelihood of impacts from 8 Star Alaska's project. The proposed takes are not expected to affect the fitness of any bowhead whales, or cause significant deflection outside of the typical migratory path in areas where subsistence hunts occur, and the activities are not otherwise expected to interfere with the hunt. Additionally, during the Nuiqsut whaling season, NMFS requires 8 Star Alaska to cease pile driving and that project vessels must transit landward of Cross Island, therefore minimizing the potential impact to the Nuiqsut hunt. 8 Star Alaska will continue to coordinate with local communities and subsistence groups to minimize impacts of the project, as described in the POC.

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and other proposed mitigation and monitoring measures, NMFS has determined that 8 Star Alaska's proposed activities will not have an unmitigable adverse impact on subsistence uses of marine mammals.

NMFS is fully aware of and sensitive to its Federal trust responsibilities to all Indian Tribes, including those required by E.O. 13175. However, in this case, there is no consultation requirement triggered under E.O. 13175, as this action does not constitute a regulation that has tribal implications or that imposes direct compliance costs on tribal governments. Further, as described in the 2020 Alaska LNG Project FEIS, FERC engaged in government-to-government consultation with the Alaska Native Tribes, including related to potential subsistence impacts. Please see section 4.13.2 (Alaska Native Tribal Consultations) of the 2020 Alaska LNG Project FEIS for additional information on these consultations.

Comment 19: A member of the public recommended that NMFS deny the proposed IHA or, at minimum, significantly expand its environmental analysis before issuing an IHA.

Response: As described in this notice, NMFS has made the necessary findings, as required by section 101(a)(5)(D) of the MMPA and NMFS' implementing regulations, and therefore, denying the proposed IHA was not warranted. NMFS has conducted the appropriate analyses (e.g., as required by the MMPA, NEPA, and ESA) and has responded to the commenter's specific recommendations in response to Comments 11 and 17.

Changes From the Proposed IHA to Final IHA

The final IHA includes updated sound source levels for the impact installation of 48-inch (122 centimeter [cm]) steel pipe piles (see Estimated Take of Marine Mammals section). These source level changes result in new Level A and Level B harassment isopleths and shutdown zones for impact installation of 48-inch (122 cm) steel pipe piles and increased take estimates for bowhead whale, beluga whale, ringed seal, spotted seal, and bearded seal (see Estimated Take of Marine Mammals and Mitigation sections of this notice).

The source level changes are a result of comments received from the Marine Mammal Commission (the Commission) on source levels for impact installation of 48-inch (122 cm) steel pipe piles in the proposed rule for Taking Marine Mammals Incidental to Alaska LNG Project in Cook Inlet (90 FR 35762, July 29, 2025). The Commission reviewed the datasets that NMFS used to determine its proposed levels of 213 decibel (dB) peak sound pressure level (SPLpeak), 192 dB root-mean-square sound pressure level (SPLrms), and 179 dB single strike sound exposure level (SELs-s) in the proposed rule (the same of which were used in the notice of proposed IHA (90 FR 16600, April 18, 2025)) for impact installation of 48-inch (122 cm) steel pipe piles and recommended instead that NMFS use the median source levels of 209 dB SPLpeak, 195 dB SPLrms, and 181 dB SELs-s from Caltrans (2020; Alameda, Vallejo, and Kitsap) and Austin *et al.* (2016), while omitting certain datasets that the Commission stated are inappropriate for use in informing appropriate proxy source levels.

NMFS agrees with the Commission that data from Antioch, Avon Wharf, and Navy Kitsap (Caltrans, 2020) should be excluded from consideration and that data from Austin *et al.* (2016) should be included. NMFS also agrees that certain incorrect source levels from Illingworth and Rodkin (2017) should not be used. However, NMFS disagrees that the

source levels from Illingworth and Rodkin (2017) should be entirely disregarded. Therefore, for this final IHA, NMFS has determined it appropriate to use median values of 208 dB SPLpeak, 195 dB SPLrms, and 180 dB SELs-s (Caltrans, 2020; Illingworth and Rodkin, 2017; Austin *et al.* 2016) as source levels for impact installation of 48-inch (122 cm) steel pipe piles. This change is consistent with NMFS' partial concurrence with the Commission's recommendation related to the aforementioned Cook Inlet rule related to the Alaska LNG project (90 FR 35762, July 29, 2025).

This authorization is effective from 1 year from the date of notification by the IHA-holder, not to exceed 1 year from the date of issuance (November 11, 2025). It will become effective upon written notification from the applicant to NMFS, but not beginning later than 1 year from the date of issuance or extending beyond 2 years from the date of issuance. This is a change from the proposed IHA, in which NMFS proposed that the IHA would be effective for 1 year from June 1, 2027 or June 1, 2028. There is no change in NMFS' analysis based on this change, which provides additional flexibility to 8 Star Alaska, given current uncertainty regarding the project start date.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and more general information about these species (*e.g.*, physical and behavioral descriptions) may be found

on NMFS' website (<https://www.fisheries.noaa.gov/find-species>). Additional information may be found in the Aerial Survey of Arctic Marine Mammals (ASAMM) reports, which are available online at <https://www.fisheries.noaa.gov/alaska/marine-mammal-protection/aerial-surveys-arctic-marine-mammals>, with the exception of the 2020 and 2021 reports, which are available in the NMFS repository (<https://repository.library.noaa.gov/>).

Table 1 lists all species or stocks for which take is expected and authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or authorized here, PBR and annual serious injury and mortality (M/SI) from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Pacific and Alaska SARs. All values presented in table 1 are the most recent available at the time of publication (including from the draft 2024 SARs) and are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>.

TABLE 1—MARINE MAMMAL SPECIES ¹ WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	PBR	Annual M/SI ⁴
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)						
Family Eschrichtiidae: Gray Whale	<i>Eschrichtius robustus</i>	Eastern N Pacific	–, –, N	26,960 (0.05, 25,849, 2016) ..	801	131
Family Balaenidae: Bowhead whale	<i>Balaena mysticetus</i>	Western Arctic	E, D, Y	15,227 (0.165, 13,263, 2019)	133	57

TABLE 1—MARINE MAMMAL SPECIES¹ WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	PBR	Annual M/SI ⁴
Odontoceti (toothed whales, dolphins, and porpoises)						
Family Monodontidae (white whales):						
Beluga Whale	<i>Delphinapterus leucas</i>	Beaufort Sea	—, —, N	39,258 (0.229, N/A, 1992)	UND	104
Beluga Whale	<i>Delphinapterus leucas</i>	Eastern Chukchi	—, —, N	13,305 (0.51, 8,875, 2017)	178	56
Order Carnivora—Pinnipedia						
Family Phocidae (earless seals):						
Bearded Seal	<i>Erignathus barbatus</i>	Beringia	T, D, Y	UND (UND, UND, 2013) ⁵	UND	6,709
Ringed Seal	<i>Pusa hispida</i>	Arctic	T, D, Y	UND (UND, UND, 2013) ⁶	UND	6,459
Spotted Seal	<i>Phoca largha</i>	Bering	—, —, N	461,625 (N/A, 423,237, 2013)	25,394	5,254

¹ Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/>).

² ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (—) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

³ NMFS marine mammal stock assessment reports online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

⁴ These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, vessel strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

⁵ Reliable population estimate for the entire stock not available. PBR is based upon the negatively biased N_{min} for bearded seals in the U.S. portion of the stock.

⁶ A reliable population estimate for the entire stock is not available. Using a sub-sample of data collected from the U.S. portion of the Bering Sea, an abundance estimate of 171,418 ringed seals has been calculated, but this estimate does not account for availability bias due to seals in the water or in the shorefast ice zone at the time of the survey. The actual number of ringed seals in the U.S. portion of the Bering Sea is likely much higher. Using the N_{min} based upon this negatively biased population estimate, the PBR is calculated to be 4,755 seals, although this is also a negatively biased estimate.

A detailed description of the species likely to be affected by the Alaska LNG project in Prudhoe Bay, AK, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (90 FR 16600, April 18, 2025). Since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website ([https://](https://www.fisheries.noaa.gov/find-species)

www.fisheries.noaa.gov/find-species) for generalized species accounts.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (e.g., Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine

mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Generalized hearing ranges were chosen based on the ~65 decibel (dB) threshold from composite audiograms, previous analyses in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). We note that the names of two hearing groups and the generalized hearing ranges of all marine mammal hearing groups have been recently updated (NMFS 2024) as reflected below in table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS
[NMFS, 2024]

Hearing group	Generalized hearing range*
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36 kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>)	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 68 kHz.

* Represents the generalized hearing range for the entire group as a composite (i.e., all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on ~65 dB threshold from composite audiogram, previous analysis in NMFS 2018, and/or data from Southall *et al.* 2007; Southall *et al.* 2019. Additionally, animals are able to detect very loud sounds above and below that "generalized" hearing range.

For more detail concerning these groups and associated frequency ranges, please see NMFS (2024) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from 8 Star Alaska's construction of the Alaska LNG facilities in Prudhoe Bay, AK have the potential to result in harassment of marine mammals in the vicinity of the project area. The notice of proposed IHA (90 FR 16600, April 18, 2025) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from 8 Star Alaska's construction activity on marine mammals and their habitat. That information and analysis is referenced in this notice and is not repeated here; please refer to the notice of proposed IHA (90 FR 16600, April 18, 2025).

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes authorized through the IHA, which will inform NMFS' consideration of "small numbers," the negligible impact determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes will primarily be by Level B harassment, as vibratory and impact pile driving have the potential to result in disruption of behavioral patterns for individual marine mammals. There is some potential for auditory injury (Level A harassment) to result from impact pile driving, primarily for phocids, due to the size of the Level A harassment zones and the difficulty in being detected by observers. Auditory injury is unlikely to occur to cetaceans. The mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or authorized for this activity. Below we describe how the take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic criteria above which NMFS believes the best available science indicates marine mammals will likely be behaviorally harassed or incur some degree of auditory injury; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.*, previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the take estimates.

Acoustic Criteria

NMFS recommends the use of acoustic criteria that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur auditory injury of some degree (equated to Level A harassment).

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.*, frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.*, bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.*, Southall *et al.*, 2007, 2021, Ellison *et al.*, 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner

considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 μ Pa)) for continuous (*e.g.*, vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μ Pa for non-explosive impulsive (*e.g.*, seismic airguns) or intermittent (*e.g.*, scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by temporary threshold shift (TTS) as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

8 Star Alaska's construction activity includes the use of continuous (vibratory pile driving) and impulsive (impact pile driving) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 μ Pa are applicable.

Level A harassment—NMFS' Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (Updated Technical Guidance, 2024) identifies dual criteria to assess auditory injury (Level A harassment) to five different underwater marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). 8 Star Alaska's construction activity includes the use of impulsive (impact pile driving) and non-impulsive (vibratory pile driving) sources.

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. The thresholds are provided in the table below. The references, analysis, and methodology used in the development of the criteria are described in NMFS' 2024 Updated Technical Guidance, which may be accessed at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools>.

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY

Hearing group	Auditory injury onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{pk,flat}$: 222 dB; $L_{E,LF,24h}$: 183 dB	Cell 2: $L_{E,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	Cell 3: $L_{pk,flat}$: 230 dB; $L_{E,HF,24h}$: 193 dB	Cell 4: $L_{E,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	Cell 5: $L_{pk,flat}$: 202 dB; $L_{E,VHF,24h}$: 159 dB	Cell 6: $L_{E,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{pk,flat}$: 223 dB; $L_{E,PW,24h}$: 183 dB	Cell 8: $L_{E,PW,24h}$: 195 dB.
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{pk,flat}$: 230 dB; $L_{E,OW,24h}$: 185 dB	Cell 10: $L_{E,OW,24h}$: 199 dB.

* Dual metric criteria for impulsive sounds: Use whichever criteria results in the larger isopleth for calculating auditory injury onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level criteria associated with impulsive sounds, the PK SPL criteria are recommended for consideration for non-impulsive sources.

Note: Peak sound pressure level ($L_{p,0-pk}$) has a reference value of 1 μ Pa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μ Pa²s. In this table, criteria are abbreviated to be more reflective of International Organization for Standardization standards (ISO 2017). The subscript “flat” is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (*i.e.*, 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (*i.e.*, varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the project. Marine mammals are expected

to be affected via sound generated by the primary components of the project (*i.e.*, pile driving and removal). The maximum (underwater) area ensonified above the thresholds for behavioral harassment referenced above is 67.7 km² (26.1 mi²), and the calculated distance to the farthest behavioral isopleth is approximately 4.6 km (2.9 mi).

The project includes vibratory pile installation and removal and impact

pile installation. Source levels for these activities are based on reviews of measurements of the same or similar types and dimensions of piles available in the literature. Source levels for each pile size and activity are presented in table 4. Source levels for vibratory installation and removal of piles of the same diameter are assumed to be the same.

TABLE 4—SOUND SOURCE LEVELS FOR PILE DRIVING

Pile size and type	Hammer type	Source level (at 10 m)			Literature source
		Peak (dB re 1 μ Pa)	RMS (dB re 1 μ Pa)	SEL (dB re 1 μ Pa ² sec)	
11.5-inch (29.2 cm) H-Pile.	Impact	200	183	170	Caltrans (2015) (12-inch (30 cm) H-Pile).
14-inch (36 cm) H-Pile.	Impact	200	183	170	Caltrans (2015) (12-inch (30 cm) H-Pile).
48-Inch (122 cm) Pipe Pile*.	Vibratory	165	150	150	Caltrans (2015) (12- to 16-inch (30 to 40 cm) H-Pile).
	Impact	208	195	180	Caltrans (2020); Austin, <i>et al.</i> (2016); Illingworth & Rodkin (2017); (48-inch (122 cm) Steel Pipe Pile).
Sheet Piles (19.69 and 25-inch (50 and 64 cm).	Vibratory	175	160	160	Caltrans (2015) (AZ Steel Sheet).

* Source levels for impact installation of 48-inch (122 cm) steel pipe piles have changed since publication of the proposed IHA due to comments received from the Commission on the proposed rule for Taking of Marine Mammals Incidental to Alaska LNG Project in Cook Inlet (90 FR 35762, July 29, 2025) (see Changes from Proposed IHA to Final IHA section of this notice).

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition topography. The general formula for underwater TL is:

$$TL = B * \log_{10} (R_1/R_2),$$

Where

TL = transmission loss in dB;

B = transmission loss coefficient;

R_1 = the distance of the modeled SPL from the driven pile; and

R_2 = the distance from the driven pile of the initial measurement.

Absent site-specific acoustical monitoring with differing measured transmission loss, a practical spreading value of 15 is used as the transmission loss coefficient in the above formula. Project and site-specific transmission loss data for the Prudhoe Bay portion of 8 Star Alaska's Alaska LNG project are

not available; therefore, the default coefficient of 15 is used to determine the distances to the Level A and Level B harassment thresholds. However, as discussed in the Monitoring and Reporting section, 8 Star Alaska will conduct SSV for pile driving. Following the analysis of SSV results, 8 Star Alaska may propose adjusted shutdown zones and revised Level A and Level B harassment zones (for the purpose of monitoring and reporting) for NMFS

review and approval. All Level B harassment isopleths are reported in table 6. The maximum (underwater) area ensonified above the thresholds for behavioral harassment is 67.7 km² (42 mi²).

The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance that

can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the

best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources, such as pile driving, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur auditory injury. Inputs used in the optional User Spreadsheet tool are provided in table 5, and the resulting estimated isopleths are reported in table 6.

TABLE 5—USER SPREADSHEET INPUT PARAMETERS USED FOR CALCULATING LEVEL A HARASSMENT ISOPLETHS

[Source levels provided in table 4]

Pile size	Piles per day ^a	Strikes per pile	Duration to drive pile (min)	Weighting factor adjustment
Impact				
11.5-inch (29.2 cm) H-Pile	^b 26.09	1,000	N/A	2
14-inch (36 cm) H-Pile	4	1,000	N/A	2
48-inch (122 cm) Pipe Pile	1.25	1,000	N/A	2
Vibratory				
14-inch (36 cm) H-Pile	8	N/A	15	2.5
19.69-inch (50 cm) Sheet Pile	^b 15.24	N/A	18.9	2.5
25-inch (64 cm) Sheet Pile	12	N/A	24	2.5

^a These estimates include contingencies for weather, equipment, workflow, and other factors that affect the number of piles per day and are assumed to be a maximum anticipated per day. Given that 8 Star Alaska plans to pile drive up to 24 hours per day, it is appropriate to assume that the number of piles installed within the 24-hour period may not be a whole number.

^b These averages assume that 8 Star Alaska will drive 11.5-inch (29.2-cm) H-piles and sheet piles at a rate of 25 ft (7.6 m) per day.

TABLE 6—CALCULATED DISTANCES TO LEVEL A AND LEVEL B HARASSMENT ISOPLETHS

Pile type	Hammer type	Level A harassment zone (m)			Level B harassment zone (m)
		LF cetaceans	HF cetaceans	Phocids	
11.5-inch (29.2 cm) H-Pile	Impact	1,190	152	1,057	342
14-inch (36 cm) H-Pile	Impact	341	44	303	341
Vibratory	3	1	4	1,000	
48-inch (122 cm) Pipe Pile *	Impact	729	93	647	2,154
19.69-inch (50.01 cm) Sheet Pile	Vibratory	23	9	29	4,642
25-inch (64 cm) Sheet Pile	Vibratory	23	9	29	4,642

* The Level A and Level B harassment isopleths for impact installation of 48-inch steel pipe piles have changed since the publication of the proposed IHA due to changes in source levels (see Changes from Proposed IHA to Final IHA section of this notice and table 4).

Level A harassment zones are typically smaller than Level B harassment zones. However, in rare cases such as the impact pile driving of the 11.5-inch (29.2 cm) H-piles by 8 Star Alaska, the calculated Level A harassment isopleth is greater than the calculated Level B harassment isopleth for LF cetaceans and phocids. Calculation of Level A harassment isopleths include a duration component, which in the case of impact pile driving, is estimated through the total number of daily strikes and the associated pulse duration. For a stationary sound source such as impact pile driving, we assume here that an animal is exposed to all of

the strikes expected within a 24-hour period. Calculation of a Level B harassment zone does not include a duration component. Depending on the duration included in the calculation, the calculated Level A harassment isopleths can be larger than the calculated Level B harassment isopleth for the same activity.

Marine Mammal Occurrence

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations.

From 2011–2019, each fall and summer, NMFS and BOEM conducted aerial surveys in the Arctic, the ASAMM surveys (Clarke *et al.*, 2012, 2013, 2014, 2015a, 2017a, 2017b, 2018, 2019, and 2020). The goal of these surveys was to document the distribution and relative abundance of bowhead, gray, right, fin, and beluga whales and other marine mammals in the area of potential oil and natural gas exploration, development, and production activities in the Alaskan Beaufort and northeastern Chukchi Seas. In 2020 and 2021, NMFS conducted aerial surveys during the fall in the western Beaufort Sea focusing on

Point Barrow to Prudhoe Bay (Brower *et al.*, 2022a, 2022b). These surveys were conducted within blocks that overlay the Beaufort and Chukchi Seas oil and gas lease sale areas offshore of Alaska (figure 16 in 8 Star Alaska's application), and provide sighting data for bowhead, gray, and beluga whales. NMFS used data from these surveys from 2011–2021 to estimate seasonal densities of cetaceans in the project area. During the summer, NMFS observed for marine mammals on effort for 15,127 km from 2011–2019 and 15,968 km during the fall from 2011 to 2021. We note that the Prudhoe Bay portion of the Alaska LNG project is in ASAMM survey block 1; the inshore boundary of this block terminates at the McClure Island group. It was not until 2016 that on-effort surveys began inside the McClure Island group (including Prudhoe Bay) since bowhead whales, the focus of the surveys, are not likely to enter this area, given its shallow depth. However, no bowheads and only one beluga whale have been observed in block 1a (including Prudhoe Bay). Therefore, the density estimates

provided here are likely an overestimate because they rely on offshore surveys where marine mammals are more likely to be present.

Cetaceans

8 Star Alaska calculated summer and fall density estimates for bowhead whale, gray whale, and beluga whale by dividing the average number of whales observed per km of transect effort in ASAMM Block 1 by two times the effective strip width (ESW) to encompass both sides of the transect line (whales per km/(2xESW) (table 7 and table 8). The ESW for bowhead whale, gray whale, and beluga whale from the Aero Commander aircraft are 1.15 km (0.71 mi), 1.2 km (0.75 mi), and 0.613 km (0.38 mi), respectively (Ferguson and Clarke, 2013). Fall sighting data is available from 2011–2021. Surveys were not conducted in the summer of 2020 and 2021, and therefore sighting data for the summer is only available from 2011–2019. Additionally, although beluga whale sighting data was available from 2011–2013, it was only summarized by depth

zone, rather than by survey block. Therefore, and given that more recent data is available, data from 2011–2013 was excluded for beluga whales.

Table 7 and table 8, below, include calculated summer and fall densities for each species. All resulting densities are expected to be overestimates for the Alaska LNG analysis because the data are based on sighting effort outside of the barrier islands and these species rarely occur within the barrier islands. To estimate take of each cetacean species, 8 Star Alaska used the higher density in an effort to avoid underestimating take. Therefore, NMFS estimated take of gray whale and beluga whale using the summer densities, 0.00003 and 0.009 whales/km² respectively, and estimated take using the fall density of 0.017 whales/km² for bowhead whale.

As noted in the **Federal Register** notice for the proposed IHA (90 FR 16600, April 18, 2025), we do not expect cetaceans to be present during 8 Star Alaska's winter/spring contingency pile driving period.

TABLE 7—SUMMER SIGHTING AND DENSITY DATA

Year	Transect (km)	# sightings		
		Bowhead whale	Gray whale	Beluga whale
2011	346	1	0	^a N/A
2012	1,493	5	0	^a N/A
2013	1,582	21	0	^a N/A
2014	1,393	17	0	13
2015	1,262	15	0	37
2016	1,914	97	1	0
2017	3,003	8	0	4
2018	2,491	2	0	6
2019	1,643	6	0	63
Total	15,127	172	1	123
Encounter Rate (whales/km)		0.01137	0.00007	^b 0.01051
Density (whales/km ²) ^c		0.0049	0.00003	0.009

^a Beluga sighting data from 2011 to 2013 was only summarized by depth zone, rather than by survey block. Therefore, data from 2011–2013 was excluded for beluga whales.

^b Encounter rate for beluga whales was calculated using total transect from 2014–2019, which was 11,706 km.

^c Density was calculated with the formula of Encounter rate/(2xESW). ESW for each species are as follows: Bowhead whale: 1.15, Gray whale: 1.201, Beluga whale: 0.614 (Ferguson and Clarke, 2013).

TABLE 8—FALL SIGHTING AND DENSITY DATA

Year	Transect (km)	# sightings		
		Bowhead whale	Gray whale	Beluga whale
2011	1,130	24	0	^a N/A
2012	1,696	17	0	^a N/A
2013	1,121	21	0	^a N/A
2014	1,538	79	1	9
2015	1,663	17	0	3
2016	2,360	23	0	1
2017	1803	255	0	0
2018	1,535	69	0	0

TABLE 8—FALL SIGHTING AND DENSITY DATA—Continued

Year	Transect (km)	# sightings		
		Bowhead whale	Gray whale	Beluga whale
2019	2,055	45	0	1
2020	379	54	0	0
2021	668	15	0	3
Total	15,968	619	1	17
Encounter Rate (whales/km)		0.03877	0.00006	^b 0.00141
Density (whales/km ²) ^c		0.017	0.00002	0.00115

^a Beluga sighting data from 2011 to 2013 was only summarized by depth zone, rather than by survey block. Therefore, data from 2011–2013 was excluded for beluga whales.

^b Encounter rate for beluga whales was calculated using total transect from 2014–2021, which was 12,021 km.

^c Density was calculated with the formula of Encounter rate/(2xESW). ESW for each species are as follows: Bowhead whale-1.15, Gray whale-1.201, Beluga whale-0.614 (Ferguson and Clarke, 2013).

Ringed Seal

Ringed seals are the most abundant species in the project area. They haul out on the ice to molt between late May and early June, and spring aerial surveys provide the most comprehensive density estimates available. Spring surveys are expected to provide the best ringed seal density information, as the greatest percentage of seals have abandoned their lairs and are hauled out

on the ice (Kelly *et al.*, 2010). Spring aerial surveys conducted in the central Beaufort Sea from 1996–1999 (Frost *et al.*, 2004) and around the West Dock area as part of industry monitoring programs for the construction of the Northstar production facility from 1997–2002 (Richardson and Williams, 2003, Richardson and Williams, 2002) were considered the best data available to determine spring density in the area

of the project. The yearly densities from these spring aerial surveys were averaged to determine spring ringed seal density. The average observed spring ringed seal density from this monitoring effort was 0.634 seals/km² (table 9). While more recent ASAMM surveys have been conducted in the project area, these surveys did not identify observed pinnipeds to species, and therefore these data are not included.

TABLE 9—RINGED SEAL DENSITIES ESTIMATED USING SPRING AERIAL SURVEYS CONDUCTED FROM 1996 TO 2002

Survey year	Density (seals/km ²)	Reference
1996	0.81	Frost <i>et al.</i> (2004).
1997	0.73	Frost <i>et al.</i> (2004).
1997	0.43	Richardson and Williams (2002).
1998	0.64	Frost <i>et al.</i> (2004).
1998	0.39	Richardson and Williams (2002).
1999	0.87	Frost <i>et al.</i> (2004).
1999	0.63	Richardson and Williams (2002).
2000	0.47	Richardson and Williams (2002).
2001	0.54	Richardson and Williams (2002).
2002	0.83	Richardson and Williams (2003).
Average	0.634	

In order to generate a summer density, as 8 Star Alaska expects that the majority of their work will occur during the summer, we first begin with the spring density. Summer densities of ringed seals in the project area are expected to significantly decrease as ringed seals range considerable distances during the open water season. Summer density was estimated to be 50 percent of the spring density (0.634 seals/km²), resulting in a summer density of 0.317 seals/km². Given that 8 Star Alaska will only pile drive during the winter if they are unable to complete the work during the summer and fall open water season, NMFS estimated ringed seal takes using the summer

density of 0.317 seals/km² rather than winter.

Spotted Seal

The spotted seal occurs in the Beaufort Sea in small numbers during the summer open water period. At the onset of freeze-up in the fall, spotted seals return to the Chukchi Sea and then Bering Sea to spend the winter and spring. As such, 8 Star Alaska does not expect spotted seals to occur in the project area during 8 Star Alaska’s winter/spring contingency period, and NMFS concurs.

Only a few of the studies referenced in calculating the ringed seal densities also include data for spotted seals.

Given the limited spotted seal data, NMFS expects that relying on this data may result in an underestimate, and that it is more appropriate to calculate the spotted seal density as a percentage of ringed seal density. Therefore, summer spotted seal density was estimated as a percentage of ringed seal sightings observed during monitoring during seismic exploration in this area from 2006–2008 (Funk *et al.*, 2010). Spotted seals comprised 34.8 percent of ringed seal sightings during these monitoring efforts. Therefore, summer spotted seal density was calculated as 34.8 percent of the ringed seal density of 0.317 seals/km², which results in an estimated spotted seal summer density of 0.11

seals/km². This density will be used to estimate take of spotted seal.

Bearded Seal

The majority of bearded seals spend the winter and spring in the Chukchi and Bering Seas; however, some remain in the Beaufort Sea year-round. A reliable population estimate for the bearded seal stock is not available, and occurrence in the Beaufort Sea is less known than in the Bering Sea. Spring aerial surveys conducted as part of industry monitoring for the Northstar production facility provide limited sighting numbers from 1999–2002 (Richardson and Williams, 2002, 2003).

Bearded seals occur in the Beaufort Sea more frequently during the open water season, rather than other parts of the year. They prefer water farther offshore. Only a few of the studies referenced in calculating the ringed seal densities also include data for bearded seals. Given the limited bearded seal data, NMFS expects that relying on this data may result in an underestimate, and that it is more appropriate to calculate the bearded seal density as a proportion of the ringed seal density. Therefore, summer bearded seal density was estimated as a percentage of ringed seal sightings observed during seismic exploration in this area from 2006–2008

(Funk *et al.*, 2010). Bearded seals comprised 21.3 percent of ringed seal sightings during these monitoring efforts. Therefore, summer bearded seal density was calculated as 21.3 percent of the summer ringed seal density of 0.317 seals/km², which results in an estimated bearded seal density of 0.068 seals/km². NMFS used this density to estimate take of bearded seal.

As noted in the **Federal Register** notice for the proposed IHA (90 FR 16600, April 18, 2025), bearded seals could potentially occur in the project area during 8 Star Alaska's winter/spring contingency period. However, we would expect very few, if any bearded seals to be present during this time. In consideration of this species presence information and 8 Star Alaska's plan to conduct most construction during the open-water season, NMFS estimated take of bearded seal using the summer density.

Take Estimation

Here we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and that has been authorized.

To estimate take by Level A and Level B harassment, 8 Star Alaska multiplied the area (km²) estimated to be ensounded above the Level A or Level B

harassment thresholds (table 10 and table 11) for each species, respectively, for pile driving (and removal) of each pile size and hammer type by the duration (days) of that activity in that season by the seasonal density for each species (number of animals/km²). NMFS generally concurs with, and has adopted this method, with the exception of the estimated duration of the activity (described below). NMFS also used updated densities as described in the *Marine Mammal Occurrence* section.

TABLE 10—LEVEL B HARASSMENT ZONES

Pile type	Area (km ²)
Impact	
11.5-inch (29.2 cm) H-Pile ...	0.37
14-inch (36 cm) H-Pile	0.37
48-inch (122 cm) Pipe Pile *	14.58
Vibratory	
14-inch (36 cm) H-Pile	3.14
Sheet Piles (19.69- and 25-Inch (50.01 and 64 cm)) ...	67.7

* The Level B harassment zones for impact installation of 48-inch (122 cm) steel pipe piles have changed since the publication of the proposed IHA due to changes in source levels (see Changes from Proposed IHA to Final IHA section of this notice and table 6).

TABLE 11—LEVEL A HARASSMENT ZONES

Pile type	Area (km ²)		
	LF cetacean	HF cetacean	Phocids
Impact			
11.5-inch (29.2 cm) H-Pile	4.45	0.073	3.51
14-inch (36 cm) H-Pile	0.37	0.006	0.29
48-inch (122 cm) Pipe Pile *	1.67	0.025	1.32
Vibratory			
14-inch (36 cm) H-Pile	0.00	0.00	0.00
19.69-inch (50.01 cm) Sheet Pile	0.00	0.00	0.00
25-inch (64 cm) Sheet Pile	0.00	0.00	0.00

* The Level A harassment zones for impact installation of 48-inch (122 cm) steel pipe piles have changed since the publication of the proposed IHA due to changes in source levels (see Changes from Proposed IHA to Final IHA section of this notice and table 6).

NMFS calculated take using summer densities for all species except for bowhead whale (table 12). For bowhead

whales, NMFS conservatively calculated take using the fall density.

TABLE 12—MARINE MAMMAL DENSITIES USED TO ESTIMATE TAKE

Species	Density (animals/km ²)	Season
Bowhead whale	0.017	Fall (September–October).
Gray whale	0.00003	Summer (July–August).
Beluga whale	0.009	Summer (July–August).
Ringed seal	0.317	Summer (July–August).
Spotted seal	0.11	Summer (July–August).

TABLE 12—MARINE MAMMAL DENSITIES USED TO ESTIMATE TAKE—Continued

Species	Density (animals/km ²)	Season
Bearded seal	0.068	Summer (July–August).

TABLE 13—ESTIMATED TAKE BY LEVEL B HARASSMENT BY SPECIES, PILE SIZE AND TYPE, AND INSTALLATION/REMOVAL METHOD

Activity	Estimated duration (days)	Bowhead whale	Gray whale	Beluga whale	Ringed seal	Spotted seal	Bearded seal
DH4							
Anchor Pile (11.5-inch (29.2 cm) H-Pile) (im- pact)	9	0.06	0.00	0.03	1.04	0.36	0.22
25-inch (64 cm) Sheet Pile (Vibratory)	36	41.43	0.07	21.93	772.54	268.07	165.72
Mooring Dolphins (48-inch (122 cm) Pipe Pile) (Impact)	10	2.48	0.00	1.31	46.21	16.03	9.91
Spud Piles (14-inch (36 cm) H-Pile) (vibra- tory)	12	0.64	0.00	0.34	11.95	4.15	2.56
South Bridge Abutment							
Dock Face (19.69-inch (50 cm) Sheet Pile) (Vibratory)	23	26.47	0.05	14.01	493.57	171.27	105.88
Tailwall (19.69-inch (50 cm) Sheet Pile) (Vi- bratory)	23	26.47	0.05	14.01	493.57	171.27	105.88
Anchor Pile (14-inch (36 cm) H-Pile) (Im- pact)	1	0.01	0.00	0.00	0.12	0.04	0.02
North Bridge Abutment							
Dock Face (19.69-inch (50 cm) Sheet Pile) (Vibratory)	24	27.62	0.05	14.62	515.03	178.72	110.48
Tailwall (19.69-inch (50 cm) Sheet Pile) (Vi- bratory)	17	19.56	0.03	10.36	364.81	126.59	78.26
Anchor Pile (14-inch (36 cm) H-Pile) (Impact)	1	0.01	0.00	0.00	0.12	0.04	0.02
Barge Bridge							
Mooring Dolphins (48-inch (122 cm) Pipe Pile) (Impact)	4	0.99	0.00	0.52	18.48	6.41	3.96
Spud Pile (14-inch (36 cm) H-Pile) (vibra- tory)	4	0.21	0.00	0.11	3.98	1.38	0.85
Total	164	145.94	0.25	77.26	2,721.41	944.34	583.77
75 percent of Total	123	109.46	0.19	57.95	2,041.06	708.25	437.83
Authorized take by Level B Harassment	110 ^a	2 ^b	58 ^a	2,041 ^a	708 ^a	438 ^a	

^a Level B harassment takes have increased for bowhead whale, beluga whale, ringed seal, spotted seal, and bearded seal since the publication of the proposed IHA due to changes in source levels and Level B harassment zones for impact installation of 48-inch (122 cm) steel pipe piles (see Changes from Proposed IHA to Final IHA section of this notice and table 10).

^b Although 75 percent of the calculated total is 0.2, in order to account for group size (Clarke *et al.*, 2017b), NMFS is authorizing two takes by Level B harassment of gray whale.

8 Star Alaska expects that construction will likely be completed during the open-water construction season. 8 Star Alaska calculated that the construction would require approximately 164 days of in-water work; however, this estimate does not take into account that different pile types would be installed on the same day, therefore reducing the total number of pile driving days. Therefore, NMFS expects that the take calculation using the method described above overestimates take. Taking into consideration the number of calendar days, construction occurring 6 days per week, and no work occurring on days during the whaling season, there are 123

days in the months of July through October on which the work is expected to occur (75 percent of the 164 days estimated by 8 Star Alaska). As such, for each species, NMFS is authorizing 75 percent of the take estimate calculated using the estimated 164 work days (except for Level A harassment take of bowhead whales and beluga whales, and Level B harassment of gray whales as noted below).

NMFS recognizes that 8 Star Alaska may work outside of this period in their February to April contingency period; however, we expect that if 8 Star Alaska works during the contingency period, it would be because of construction delays (and therefore, days on which they did

not work) during their planned open water work season. Additionally, we recognize that ringed seals may be present in ice lairs during the contingency period. However, 8 Star Alaska must initiate pile driving prior to March 1, as described in the Mitigation section. Initiating pile driving before March 1 is expected to discourage seals from establishing birthing lairs near pile driving. As such, we expect that this measure will eliminate the potential for physical injury to ringed seals during this period. Therefore, NMFS expects that the take estimates described herein are reasonable even if 8 Star Alaska must pile drive during their contingency period.

TABLE 14—ESTIMATED TAKE BY LEVEL A HARASSMENT BY SPECIES, PILE SIZE AND TYPE, AND INSTALLATION/REMOVAL METHOD

Activity	Estimated duration (days)	Bowhead whale	Gray whale	Beluga whale	Ringed seal	Spotted seal	Bearded seal
DH4							
Anchor Pile (11.5-inch (29.2 cm) H-Pile) (impact)	9	0.68	0.00	0.01	10.01	3.47	2.15
25-inch (64 cm) Sheet Pile (Vibratory)	36	0.00	0.00	0.00	0.03	0.01	0.01
Mooring Dolphins (48-inch (122 cm) Pipe Pile) (Impact)	10	0.28	0.00	0.00	4.17	1.45	0.89
Spud Piles (14-inch (36 cm) H-Pile) (vibratory)	12	0.00	0.00	0.00	0.00	0.00	0.00
South Bridge Abutment							
Dock Face (19.69-inch (50 cm) Sheet Pile) (Vibratory)	23	0.00	0.00	0.00	0.02	0.01	0.00
Tailwall (19.69-inch (50 cm) Sheet Pile) (Vibratory)	23	0.00	0.00	0.00	0.02	0.01	0.00
Anchor Pile (14-inch (36 cm) H-Pile) (Impact)	1	0.01	0.00	0.00	0.09	0.03	0.02
North Bridge Abutment							
Dock Face (19.69-inch (50 cm) Sheet Pile) (Vibratory)	24	0.00	0.00	0.00	0.02	0.01	0.00
Tailwall (19.69-inch (50 cm) Sheet Pile) (Vibratory)	17	0.00	0.00	0.00	0.01	0.00	0.00
Anchor Pile (14-inch (36 cm) H-Pile) (Impact)	1	0.01	0.00	0.00	0.09	0.03	0.02
Barge Bridge							
Mooring Dolphins (48-inch (122 cm) Pipe Pile) (Impact)	4	0.11	0.00	0.00	1.67	0.58	0.36
Spud Pile (14-inch (36 cm) H-Pile) (vibratory)	4	0.00	0.00	0.00	0.00	0.00	0.00
Total	164	1.09	0.00	0.01	16.14	5.6	3.46
75 percent of Total	123	0.82	0.00	0.01	12.1	4.2	2.6
Authorized Take by Level A Harassment	^a 0	0	0	^b 12	4	^b 3	

^a NMFS does not expect bowhead whales to occur within the Level A harassment zone, and therefore NMFS did not authorize take by Level A harassment of bowhead whales.

^b Level A harassment takes have increased for ringed seals and bearded seals since the publication of the proposed IHA due to changes in source levels and Level A harassment zones for impact installation of 48-inch (122 cm) steel pipe piles (see Changes from Proposed IHA to Final IHA section of this notice and table 11).

NMFS does not expect bowhead whales to occur within the Level A harassment zones due to the shallow waters (approximately 19 ft [5.8 m] in depth at the isopleth), lack of historic sightings, and required mitigation. Waters less than 15 ft [4.6 m] deep are considered too shallow to support these whales, and in three decades of aerial surveys by BOEM (ASAMM), no bowhead whale has been recorded in waters less than 16.4 ft (5 m) deep (Clarke and Ferguson 2010). Further, no bowhead whales have been observed during ASAMM surveys in Block 1a (which encompasses the Level A harassment zone) when surveys were conducted in Block 1a (Clarke *et al.*, 2017b, 2018, 2019, 2020). Shutdown requirements within designated shutdown zones for LF cetaceans (which includes bowhead whales) are expected to prevent take by Level A harassment given the large size and visibility of bowhead whales. Additionally, Level A harassment zones are calculated with an associated

duration component based on the amount of pile driving expected to occur within 1 day. Therefore, a marine mammal is not taken by Level A harassment instantaneously when it enters the Level A harassment zone, and given the shallow depths, even if a bowhead did enter the Level A harassment zone, we would not expect it to remain within the zone for a long enough period to incur auditory injury. Therefore, we do not expect Level A harassment of bowhead whales to occur, and are not authorizing Level A harassment take of bowheads.

The likelihood of gray whales occurring in the Level A harassment zone is extremely low, as evidenced by the very low densities included in the *Marine Mammal Occurrence* section and the lack of modeled takes in table 14. Further, shutdown requirements within designated shutdown zones for LF cetaceans (which include gray whales) are expected to prevent take by Level A harassment given the large size and visibility of gray whales, and the

duration component associated with the Level A harassment zones. Even if a gray whale did enter the Level A harassment zone, NMFS would not expect it to remain within the zone for a long enough period to incur auditory injury, given the mitigation and visibility. Therefore, NMFS does not expect Level A harassment of gray whales to occur and is not authorizing Level A harassment take of gray whale.

The largest Level A harassment isopleth for high-frequency cetaceans (including the beluga whale) extends 152 m from the source during impact driving of the 11.5-inch (29.2 cm) H pile (table 6). Considering the small size of the Level A harassment zones, and the low likelihood that a beluga whale will occur in this area, as evidenced by the estimated values in table 14, Level A harassment is unlikely to occur. Additionally, 8 Star Alaska is planning to implement a 150 m shutdown zone during this activity. NMFS expects shutdown zones (table 16) will eliminate the potential for Level A

harassment take of the beluga whale.
Therefore, NMFS has not authorized

takes of beluga whale by Level A harassment.

TABLE 15—AUTHORIZED TAKE BY LEVEL A AND LEVEL B HARASSMENT, BY SPECIES AND STOCK

Species	Stock	Level A harassment	Level B harassment	Total instances of take	Stock abundance	Percent of stock
Bowhead Whale	Western Arctic	0	110	110	15,227	0.7
Gray Whale	Eastern North Pacific	0	2	2	26,960	0.01
Beluga Whale *	Beaufort Sea	0	58	58	39,258	0.15
	Eastern Chukchi	0	58	58	13,305	0.44
Ringed Seal	Arctic	12	2,041	2,053	UND	N/A
Spotted Seal	Bering	4	708	712	461,625	0.15
Bearded Seal	Beringia	3	438	441	UND	N/A

* Beluga whales in the project area are likely to be from the Beaufort Sea stock. However, NMFS has conservatively attributed all takes to each stock for their analysis.

Effects of Specified Activities on Subsistence Uses of Marine Mammals

The availability of the affected marine mammal stocks or species for subsistence uses may be impacted by this activity. The subsistence uses that may be affected and the potential impacts of the activity on those uses are described below. Measures included in this IHA to reduce the impacts of the activity on subsistence uses are described in the Mitigation section. Last, the information from this section and the Mitigation section is analyzed to determine whether the necessary findings may be made in the Unmitigable Adverse Impact Analysis and Determination section.

The communities of Nuiqsut, Utqiagvik and Kaktovik engage in subsistence harvests off the North Slope of Alaska. Alaska Native communities have harvested bowhead whales for subsistence and cultural purposes with oversight and quotas regulated by the International Whaling Commission (IWC). The NSB Department of Wildlife Management has been conducting bowhead whale subsistence harvest research since the early 1980’s to collect the data needed by the IWC to set harvest quotas. Bowhead whale harvest (percent of total marine mammal harvest), harvest weight, and percent of households using bowhead whale are presented in table 25 of 8 Star Alaska’s application.

Due to ongoing oil and gas activities in the North Slope, the Department of the Interior funded a subsistence mapping study conducted in 2004 (Stephen R. Braund & Associates, 2010) and the Alaska LNG Project funded a study, conducted by the Alaska Department of Fish & Game in 2014 (Brown *et al.*, 2016), to characterize and describe the harvests and uses of wild foods by subsistence communities on the North Slope. These are the most recent and applicable studies that

NMFS is aware of and are used to describe the harvests of Utqiagvik, Kaktovik, and Nuiqsut below.

Most of the Beaufort Sea population of beluga whales migrate from the Bering Sea into the Beaufort Sea in April or May. The spring migration routes through ice leads are similar to those of the bowhead whale. Fall migration through the western Beaufort Sea occurs in September or October. Surveys of the fall distribution strongly indicate that most belugas migrate offshore along the pack ice front beyond the reach of subsistence harvesters. Beluga whales are harvested opportunistically during the bowhead harvest and throughout ice-free months. No beluga whale harvests were reported in 2006 survey interviews conducted by Stephen R. Braund & Associates in any community (Stephen R. Braund & Associates, 2010). Beluga harvests were also not reported in Nuiqsut and Kaktovik, although households did report using beluga whale, likely through sharing from other communities (Brown *et al.*, 2016). We do not expect the planned activities at the Alaska LNG project site to affect beluga whale subsistence harvests, as none are expected.

Gray whale harvests were not reported by any of the communities surveyed by Stephen R. Braund & Associates (2010) or Brown *et al.* (2016) in any of the survey years, and therefore are not included as an important subsistence species and are not further discussed.

Utqiagvik

Utqiagvik (formerly known as Barrow) is the northernmost community on the North Slope and the United States and is approximately 320 km (200 mi) northwest of Prudhoe Bay. According to Brown *et al.* (2016), 71 percent of households reported using marine mammals as a resource. Of the marine

mammals harvested, bowhead whale made up the largest composition of marine mammals harvested at 54 percent by weight, while bearded seals represented 30 percent, ringed seals 2 percent, and beluga whale 2 percent of total marine mammal weight harvested (Brown *et al.*, 2016). Bowhead whale was reported as a resource used in 70 percent of households, bearded seal in 44 percent of households, ringed seal in 19 percent of households, beluga whale in 15 percent of households, and spotted seals in 5 percent.

The spring hunt of bowhead whales occurs while bowheads are making their migration east toward the eastern Beaufort Sea. Crews begin to camp on the ice in mid- to late-April and stay out on the edge of the ice for about 2–6 weeks, depending on the condition of the ice (Brown *et al.*, 2016). During the fall bowhead migration west, crews travel on open boat, making day trips from the community. During the summer months of July and August, bearded seals and ringed seals are targeted offshore near ice floes (Brown *et al.*, 2016).

The community of Utqiagvik’s subsistence activities occur outside of the area impacted by activities considered in this authorization. We do not expect impacts to Utqiagvik’s subsistence activities, and they are not discussed further beyond the explanation provided here. Impacts to marine mammals from the planned construction will mostly include limited, temporary behavioral disturbances of seals, however, some slight auditory injury within the lower frequencies associated with pile driving is possible. Additionally a small number of takes of bowhead whales, by Level B harassment only, are predicted to occur in the vicinity of 8 Star Alaska’s activity. Even if some subset of taken individuals deflected farther offshore near the project site, it is reasonable to

predict that most individuals would likely resume a more typical migration path by the time they reach the Utqiagvik hunting area, and therefore, significant impacts to the Utqiagvik hunt would be unlikely.

The planned activities and associated harassment of marine mammals are not expected to impact marine mammals in numbers or locations sufficient to render them unavailable for Utqiagvik subsistence harvest given the short-term, temporary, and localized nature of construction activities, and the planned mitigation measures. Additionally, no serious injury or mortality of marine mammals is expected or authorized, and the activities are not expected to have any impacts on reproductive or survival rates of any marine mammal species.

Kaktovik

Kaktovik is the easternmost village in the NSB. Kaktovik is located on the north shore of Barter Island, situated between the Okpilak and Jago rivers on the Beaufort Sea coast. Kaktovik's subsistence-harvest areas are to the east of the project area and target marine mammal species migrating eastward during spring and summer occur seaward of the project area and westward in the fall.

Bowhead whale hunters report traveling between Camden Bay to the west and Nuvagapak Lagoon to the east. This range does not include the project area impacted by the activities analyzed for this IHA. The small number of takes of bowhead whales, by Level B harassment only, predicted to occur in the vicinity of 8 Star Alaska's activity are not expected to have any impacts on the fitness of any bowhead whales. Further, we do not expect construction activities to deflect the bowhead whale migration offshore in the Kaktovik hunting area, given the distance from the western extent of the hunting area (Camden Bay) to the predicted Level B harassment isopleths. Even if some subset of taken individuals deflected farther offshore near the project site, it is reasonable to predict that most individuals will likely resume a more typical migration path by the time they reach the Kaktovik hunting area during the eastbound migration, and during the westbound migration, a bowhead exposed to construction noise would have already passed the hunting area prior to exposure. Significant impacts to the Kaktovik hunt would be unlikely, and Kaktovik bowhead whale hunting is not discussed further. Please refer to 8 Star Alaska's application for additional information.

Ringed, spotted, and bearded seals are harvested by the community of

Kaktovik. Residents hunt seals in rivers during ice-free months, primarily July–August. Ringed seals are an important subsistence resource for Native Alaskans living in communities along the Beaufort Sea coast. Kaktovik hunters travel by boat to look for ringed seals on floating ice (often while also hunting for bearded seal) or sometimes along the ice edge by snow machine before break-up, during the spring (Stephen R. Braund & Associates 2010). In 2006, 7 people (18 percent of survey respondents) indicated that they had recently hunted for ringed seals in Kaktovik (Stephen R. Braund & Associates, 2010). Residents reported looking for ringed seal, usually while also searching for bearded seal, offshore between Prudhoe Bay to the west and Demarcation Bay to the east (Stephen R. Braund & Associates, 2010). Ringed seal hunting typically peaks between March and August but continues into September, as well (Stephen R. Braund & Associates, 2010). Although residents reported hunting ringed seals up to approximately 30 mi (48 km) from shore, the highest numbers of overlapping use areas generally occur within a few miles from shore (Stephen R. Braund & Associates, 2010). The total use area for ringed seal from 1995–2006 encompassed approximately 2,139 mi² (5540 km²). Harvest of ringed seals by Kaktovik hunters does not typically occur to the west of Camden Bay. Additionally, impacts to ringed seals are expected to include temporary behavioral disturbances and some slight auditory injury within the lower frequencies associated with pile driving. Serious injury or mortality of ringed seals is not anticipated from the planned activities, and the activities are not expected to have any impacts on ringed seal reproductive or survival rates, or to impact availability of ringed seals. Therefore, Alaska LNG project activities are not expected to impact Kaktovik ringed seal harvests.

Kaktovik hunters harvested 126 pounds of spotted seals in 1992 (ADF&G Community Subsistence Information System (CSIS); retrieved and analyzed August 15, 2018). Spotted seals were not reported harvested in 2006 survey interviews conducted in Nuiqsut (Stephen R. Braund & Associates, 2010).

Hunting of bearded seals is more common than that of ringed seals by Kaktovik residents, with 68 percent of respondents reporting the hunting of bearded seals over the previous 10 years (Stephen R. Braund & Associates, 2010). Kaktovik bearded seal hunting occurs along the coast as far west as Prudhoe Bay and as far east as the United States/Canada border (Stephen R. Braund & Associates, 2010). Residents reported

looking for bearded seal as far as approximately 30 mi (48 km) from shore, but generally hunt them closer to shore, up to 5 mi (8 km; Stephen R. Braund & Associates 2010). Between 1994–2003, 29 bearded seals were taken in Kaktovik. Bearded seal hunting activities, like ringed seal, begin in March, peaking in July and August, and then conclude in September (Stephen R. Braund & Associate, 2010).

The community of Kaktovik is approximately 100 (direct) mi (161 km) from the planned project at Prudhoe Bay; subsistence activities for these communities primarily occur outside of the project construction area and the associated Level A and Level B harassment zones. The planned construction and use of improvements to West Dock will occur in Prudhoe Bay, adjacent to existing oil and gas infrastructures, and in an area that is not typically used for subsistence other than extremely limited bearded seal hunting by residents of Kaktovik.

Because of the distance from Kaktovik, and Kaktovik's very limited use of waters offshore of Prudhoe Bay, and because the planned activities will occur in an already-developed area, it is unlikely that the planned activities will have any effects on the use of marine mammals for subsistence by residents of Kaktovik. Further, the planned activities are not expected to impact marine mammals in numbers or locations sufficient to render them unavailable for subsistence harvest given the short-term, temporary, and localized nature of construction activities, and the planned mitigation measures. Impacts to marine mammals will mostly include limited, temporary behavioral disturbances of seals, with limited auditory injury associated with pile driving. Serious injury or mortality of marine mammals is not anticipated from the planned activities, and the activities are not expected to have any impacts on reproductive or survival rates of any marine mammal species. Therefore, we do not discuss Kaktovik's subsistence activities further.

Nuiqsut

The construction activities will occur closest to the marine subsistence use area used by the Native Village of Nuiqsut. Nuiqsut is located on the west bank of the Nechelek Channel on the lower Colville River, about 25 mi (40 km) from the Arctic Ocean and approximately 150 mi (242 km) southeast of Utqiagvik. Nuiqsut subsistence hunters utilize an extensive search area, spanning 16,322 mi² (42,274 km²) across the central Arctic Slope (see figure 19 of 8 Star Alaska's

application, Brown *et al.*, 2016). Marine mammal hunting is primarily concentrated in two areas: (1) Harrison Bay, between Atigaru Point and Oliktok Point, including a northward extent of approximately 50 mi (80 km) beyond the Colville River Delta (Brown *et al.*, 2016); and (2) east of the Colville River Delta between Prudhoe and Foggy Island bays, which includes an area of approximately 100 mi² (259 km²) surrounding the Midway Islands, McClure Island and Cross Island (Brown *et al.*, 2016). The community of Nuiqsut uses subsistence-harvest areas adjacent to the construction area; however, West Dock is not a common hunting area, nor is it visited regularly by Nuiqsut subsistence hunters primarily because of its industrial history.

The most important seal hunting area for Nuiqsut hunters is off the Colville Delta, an area extending as far west as Fish Creek and as far east as Pingok Island. Seal hunting search areas by Nuiqsut hunters also included Harrison Bay, and a 30-mi (48-km) stretch northeast of Nuiqsut between the Colville and Kuparuk rivers, near Simpson Lagoon and Jones Islands (Brown *et al.*, 2016). Cross Island is a productive area for seals, but is too far from Nuiqsut to be used on a regular basis. Seal subsistence use areas of Nuiqsut from 1995 through 2006 are depicted in figure 21 of 8 Star Alaska's application.

Ringed seals are an important subsistence resource for Native Alaskans living in communities along the Beaufort Sea coast. Nuiqsut residents commonly harvest ringed seal in the Beaufort Sea during the summer months (Stephen R. Braund & Associates, 2010). There are a higher number of use areas extending east and west of the Colville River delta. Residents reported traveling as far as Cape Halkett to the west and Camden Bay to the east in search of ringed seal. Survey respondents reported traveling offshore up to 30 mi (48 km; Stephen R. Braund & Associates, 2010). Residents reported hunting ringed seals throughout the late spring, summer, and early fall with a higher number of use areas reported in June, July, and August (Stephen R. Braund & Associates, 2010). In 2006, 12 people (36 percent of survey respondents) indicated that they had recently hunted for ringed seals in Nuiqsut (Stephen R. Braund & Associates, 2010).

Nuiqsut bearded seal use areas extend as far west as Cape Halkett, as far east as Camden Bay, and offshore up to 40 mi (64 km). In 2006, 12 people (69 percent of survey respondents) indicated that they had recently hunted

for bearded seals in Nuiqsut (Stephen R. Braund & Associates, 2010). Nuiqsut hunters reported hunting bearded seal during the summer season in open water as the seals are following the ice pack. Residents reported hunting bearded seal between June and September, although a small number of use areas were reportedly used in May and October (Stephen R. Braund & Associates, 2010). The number of reported bearded seal use areas peak in July and August, when the majority of seals are available along the ice pack (Stephen R. Braund & Associates, 2010).

Nuiqsut's bowhead whale hunt occurs in the fall at Cross Island, a barrier island located approximately 12 mi (19 km) northwest of West Dock. Nuiqsut whalers base their activities from Cross Island (Galginaitis 2014), and the whaling search and the harvest areas typically are concentrated north of the island. Hunting activities between 1997 and 2006 occurred almost as far west as Thetis Island, as far east as Barter Island (Kaktovik), and up to approximately 50 mi (80 km) offshore (Stephen R. Braund & Associates, 2010). Harvest locations in 1973–2011 and GPS tracks of 2001–2011 whaling efforts are shown in figure 19 of 8 Star Alaska's application.

Bowhead whales are harvested by Nuiqsut whalers during the fall whaling season. Nuiqsut residents typically hunt bowhead whales in September, although a small number of use areas were reported in August and extending into October (Stephen R. Braund & Associates, 2010). Pile driving will not occur during Nuiqsut whaling.

Nuiqsut subsistence hunting crews operating from Cross Island have harvested three to four bowhead whales per year (Bacon *et al.*, 2009; Galginaitis 2014). In 2014, the AEWC allocated Nuiqsut a quota of four bowhead whales each year; however, through transfers of quota from other communities, in 2015 Nuiqsut was able to harvest five whales (Brown *et al.*, 2016). In 2006, 10 people (30 percent of survey respondents) in Nuiqsut indicated that they had recently hunted for bowhead whales (Stephen R. Braund & Associates, 2010). In 2016, Nuiqsut whaling crews harvested four bowhead whales (Suydam *et al.*, 2017).

Nuiqsut is 70 mi (112 km) away from the project and is likely to be the community that has the greatest potential to experience any impacts to subsistence practices. The primary potential for Alaska LNG project impacts to Nuiqsut's subsistence use of marine mammals is associated with barge activity, which could interfere with summer seal and fall bowhead whale hunting (Alaska LNG 2016). Barge activity is beyond the scope of

this IHA, but noise associated with barging could deflect bowhead whales as they migrate through Nuiqsut's fall whaling grounds or cause temporary disturbances of seals, making successful harvests more difficult. Barge traffic will occur from July through September. Although barging activities will not cease during Nuiqsut's fall bowhead whale hunting activities, 8 Star Alaska plans to keep vessels landward of Cross Island during the August 25–September 15 period, avoiding the high use areas offshore of the island during the entire whaling season in most years and greatly reducing the impact to the whale hunt (Alaska LNG 2016, 2017).

Pile driving associated with construction at West Dock could also affect subsistence hunting of bowhead whales, as the Level B harassment zones extend up to 4.6 km from the pile driving site for some pile and hammer type combinations. As such, 8 Star Alaska will not pile drive during the Nuiqsut whaling season (see Mitigation). 8 Star Alaska has consulted with AEWC and NSB on mitigation measures to limit impacts (Alaska LNG 2016) and has continued to provide formal and informal project updates to these groups, as recently as July 2023.

The activities are not expected to impact marine mammals in numbers or locations sufficient to render them unavailable for subsistence harvest given the short-term, temporary, and localized nature of construction activities, and the mitigation measures. Impacts to marine mammals will mostly include limited, temporary behavioral disturbances of seals, however, some auditory injury is possible. Serious injury or mortality of marine mammals is not anticipated from the activities, and the activities are not expected to have any impacts on reproductive or survival rates of any marine mammal species.

In summary, impacts to subsistence hunting are not expected due to the distance between West Dock construction and primary seal hunting areas, and mitigation during the Nuiqsut bowhead whale hunt.

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses. NMFS regulations require applicants for

incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat, as well as subsistence uses. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost and impact on operations.

The mitigation requirements described in the following section were proposed by 8 Star Alaska in its adequate and complete application or are the result of subsequent coordination between NMFS and 8 Star Alaska. 8 Star Alaska has agreed that all of the mitigation measures are practicable. NMFS has fully reviewed the specified activities and the mitigation measures to determine if the

mitigation measures will result in the least practicable adverse impact on marine mammals and their habitat, as required by the MMPA, and has determined the measures are appropriate. NMFS describes these below as mitigation requirements, and has included them in the IHA.

Mitigation for Marine Mammals and Their Habitat

In addition to the measures described later in this section, 8 Star Alaska will employ the following mitigation measures:

- Conduct briefings between construction supervisors and crews and the marine mammal monitoring team prior to the start of all pile driving activity and when new personnel join the work, to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures;
- For in-water construction, heavy machinery activities other than pile driving, if a marine mammal comes within 10 m (33 ft), operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions;
- For those marine mammals for which take by Level B harassment has not been requested, in-water pile installation/removal will shut down immediately when it is safe to do so if such species are observed within or entering the Level B harassment zones; and
- If take reaches the authorized limit for an authorized species, pile installation will be stopped as these species approach the Level B harassment zone to avoid additional take.

Aircraft

Aircraft will transit at an altitude of 457 m (1,500 ft) or higher, to the extent

practicable, while maintaining Federal Aviation Administration flight rules (*e.g.*, avoidance of cloud ceiling, *etc.*), excluding takeoffs and landing. If flights must occur at altitudes less than 457 m (1,500 ft) due to environmental conditions, aircraft must make course adjustments, as needed, to maintain at least a 457 m (1,500 ft) separation from all observed marine mammals. Helicopters (if used) must not hover or circle above marine mammals. A minimum transit altitude is expected to reduce the potential for disturbance to marine mammals from transiting aircraft.

The following mitigation measures will apply to 8 Star Alaska's in-water construction activities. In addition, 8 Star Alaska will be required to implement all mitigation measures described in the reinitiated biological opinion.

Establishment of Shutdown Zones

8 Star Alaska will establish shutdown zones for all pile driving and removal activities. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Shutdown zones will vary based on the activity type and marine mammal hearing group (see table 16). A minimum shutdown zone of 10 m will be required for all in-water construction activities to avoid physical interaction with marine mammals. The largest shutdown zones are generally for low frequency cetaceans as shown in table 16. In this instance, the largest shutdown zone for low frequency cetaceans is 1,200 m. 8 Star Alaska expects that they will be able to effectively observe phocids at distance up to 500 m, large cetaceans at 2–4 km, and belugas at 2–3 km.

TABLE 16—SHUTDOWN ZONES DURING PILE INSTALLATION AND REMOVAL (m)

Pile Size	Hammer type	LF cetaceans	HF cetaceans	Phocids
11.5-inch (29.2 cm) H-Pile	Impact	1,200	150	500
14-inch (36 cm) H-Pile	Impact	350	50	300
	Vibratory	10	10	10
48-inch (122 cm) Pipe Pile	Impact	* 750	100	500
Sheet Piles	Vibratory	20	10	30
Screeing		215		

* This shutdown zone has changed from the proposed IHA due to a change to the Level A harassment isopleth (see table 6).

The placement of PSOs during all pile driving and removal activities (described in detail in the Monitoring and Reporting section) will ensure that the entire shutdown zone is visible during pile installation. If visibility

degrades to where the PSO determines that they cannot effectively monitor the entire shutdown zone during pile driving, the applicant may continue to drive the pile section that was being driven to its target depth when visibility

degraded to unobservable conditions, but will not drive additional sections of pile until conditions improve. Pile driving may continue during low light conditions to allow for the evaluation of night vision devices (NVDs) and

infrared (IR) sensing devices, as described in the Monitoring and Reporting section, below.

If marine mammals are observed within the shutdown zone, pile driving will be delayed until the animal has moved out of the shutdown zone, either verified by an observer or after 15 minutes (small cetaceans and pinnipeds) or 30 minutes (large cetaceans) has elapsed without redetection of the animal. If a marine mammal approaches or enters the shutdown zone during pile driving, the activity will be halted. If a species for which authorization has not been granted, or a species which has been granted but the authorized takes are met, is observed approaching or within the Level B harassment zone during pile driving or tension anchoring, the activity will be halted. Pile driving may resume after the animal has moved out of and is moving away from the shutdown zone or after at least 15 or 30 minutes (described above) has passed since the last observation of the animal.

Pre- and Post-Activity Monitoring

Monitoring must take place from 30 minutes prior to initiation of pile driving activities (*i.e.*, pre-clearance monitoring) through 30 minutes post-completion of pile driving. Prior to the start of daily in-water construction activity, or whenever a break in pile driving of 30 minutes or longer occurs, PSOs must observe the shutdown and monitoring zones for a period of 30 minutes. If a marine mammal is observed within the shutdown zone, a soft-start (described below) cannot proceed until the animal has left the zone or has not been observed for 15 minutes (pinnipeds) or 30 minutes (cetaceans). When a marine mammal for which Level B harassment take is authorized is present in the Level B harassment zone, activities may begin and Level B harassment take will be recorded. Pile driving or removal activities can begin if the entire Level B harassment zone is not visible at the start of construction, as long as the shutdown zone may be effectively monitored, as described above.

Monitoring for Level A and Level B Harassment

8 Star Alaska will monitor for marine mammals in the Level B harassment zones and Level A harassment zones, to the extent practicable, and throughout the area as far as visual monitoring can occur. Monitoring enables observers to be aware of, and communicate the presence of, marine mammals in the project area outside the shutdown zone and thus prepare for a potential

shutdown of activity should the animal enter the shutdown zone. Placement of PSOs on elevated structures on West Dock will allow PSOs to observe phocids within the Level A and Level B harassment zones, to an estimated distance of 500 m. Due to the large Level A and Level B harassment zones (table 6), PSOs will not be able to effectively observe the entire zones during all activities for all species. All marine mammals observed within the visible portion of the harassment zones will be recorded. 8 Star Alaska will also conduct acoustic monitoring as described in the Monitoring and Reporting section, below.

Nighttime Monitoring

PSOs will use NVDs and IR for nighttime and low visibility monitoring. 8 Star Alaska will select devices for monitoring, and will test the devices to determine the efficacy of the monitoring equipment and technique. For a detailed explanation of 8 Star Alaska's plan to test the NVDs and IR equipment, please see 8 Star Alaska's Marine Mammal Monitoring and Mitigation Plan, available online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable>. (Please note that 8 Star Alaska will not assess object detection at distance intervals using buoys as stated in the Marine Mammal Monitoring and Mitigation Plan. Rather, they will test object detection on land using existing landmarks at known distances from PSOs, such as road signs.)

Soft Start

Soft-start procedures provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors will be required to provide an initial set of three strikes from the hammer at reduced energy, followed by a 30-second waiting period, then two subsequent three-strike sets before initiating continuous driving. Soft start will be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

Pile Driving During Contingency Period

In the event that 8 Star Alaska must continue pile driving or removal during their contingency period (February-April), 8 Star Alaska must begin pile driving before March 1, the approximate onset of ice seal lairing season. Initiating

pile driving before March 1 is expected to discourage seals from establishing birthing lairs near pile driving. Discouraging seals from establishing birthing lairs near pile driving will likely reduce potential instances of take by Level B harassment by reducing the likelihood of an individual seal occurring within the Level B harassment zone on multiple occasions, which would be far more likely if seals established lairs within the zone. Additionally, a subsistence advisor will survey areas within a buffer zone of DH4 where water depth is greater than 10 ft (3 m) to identify potential ringed seal structures before activity begins. Construction crews must avoid identified ice seal structures by a minimum of 500 ft (150 m). NMFS expects these measures to prevent physical interaction between seals and construction equipment.

8 Star Alaska does not plan to use a bubble curtain or other sound attenuation devices, and NMFS concurs that sound attenuation devices are not appropriate for this project. Conditions in the project area mean that the common practice of using bubble curtains for attenuation is not appropriate, as the water is shallow and therefore sound source level reductions are likely to be minimal (Caltrans, 2020), effective deployment of a bubble curtain system is logistically challenging in shallow water, and there is potential for sea ice, which would make deployment and use of sound attenuation systems even more challenging. Sound attenuation devices have not been used for pile driving in this area during past projects.

Mitigation for Subsistence Uses of Marine Mammals or Plan of Cooperation

Regulations at 50 CFR 216.104(a)(12) further require IHA applicants conducting activities in or near a traditional Arctic subsistence hunting area and/or that may affect the availability of a species or stock of marine mammals for Arctic subsistence uses to provide a Plan of Cooperation or information that identifies what measures have been taken and/or will be taken to minimize adverse effects on the availability of marine mammals for subsistence purposes. A plan must include the following:

- A statement that the applicant has notified and provided the affected subsistence community with a draft plan of cooperation;
- A schedule for meeting with the affected subsistence communities to discuss activities and to resolve potential conflicts regarding any aspects

of either the operation or the plan of cooperation;

- A description of what measures the applicant has taken and/or will take to ensure that activities will not interfere with subsistence whaling or sealing; and
- What plans the applicant has to continue to meet with the affected communities, both prior to and while conducting the activity, to resolve conflicts and to notify the communities of any changes in the operation.

8 Star Alaska provided a draft POC to NMFS on March 27, 2019 and submitted revised versions on February 7, 2020, November 16, 2020, December 21, 2020, January 4, 2021, and, most recently, June 20, 2024. The POC outlines 8 Star Alaska's extensive coordination with subsistence communities that may be affected by the Alaska LNG project. It includes a brief description of the project, community outreach that has already been conducted, as well as the concerns raised in those discussions and how they were addressed, and project mitigation measures. 8 Star Alaska will continue coordination with subsistence communities throughout the project duration, and will develop a Communications Plan in coordination with subsistence groups, as described below and in the POC. The POC is a living document and has been updated throughout the project review and permitting process. 8 Star Alaska will continue to coordinate with subsistence communities as additional project information, such as the expected construction period, becomes available and will provide NMFS with an updated POC when additional coordination occurs. The IHA includes a requirement stating that 8 Star Alaska must conduct the communication and coordination as described in the POC, which is available on our website at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable>.

8 Star Alaska continues to document its communications with the North Slope subsistence communities, as well as the substance of its communications with subsistence stakeholder groups, and has developed mitigation measures that include measures suggested by community members as well as industry standard measures. 8 Star Alaska will continue to routinely engage with local communities and subsistence groups. Multiple user groups are often consulted simultaneously as part of larger coalition meetings such as the Arctic Safety Waterways Committee meetings. Local communities and subsistence groups identified by 8 Star Alaska are listed in the POC. 8 Star Alaska will

develop a Communication Plan and will implement this plan before initiating construction operations to coordinate activities with local subsistence users, as well as Village Whaling Captains' Associations, to minimize the risk of interfering with subsistence hunting activities, and keep current as to the timing and status of the bowhead whale hunt and other subsistence hunts. A project informational mailer with a request for community feedback (traditional mail, email, phone) will be sent to community members prior to construction. Following the construction season, 8 Star Alaska intends to have a post-season co-management meeting with the commissioners and committee heads to discuss results of mitigation measures and outcomes of the preceding season. The goal of the post-season meeting is to build upon the knowledge base, discuss successful or unsuccessful outcomes of mitigation measures, and possibly refine plans or mitigation measures if necessary.

The AEWC works annually with industry partners to develop a CAA. This agreement implements mitigation measures that allow industry to conduct their work in or transiting the vicinity of active subsistence hunters, in areas where subsistence hunters anticipate hunting, or in areas that are in sufficient proximity to areas expected to be used for subsistence hunting where the planned activities could potentially adversely affect the subsistence bowhead whale hunt through effects on bowhead whales, while maintaining the availability of bowheads for subsistence hunters. 8 Star Alaska is required to enter the CAA for the construction year by an order from the FERC.

8 Star Alaska will not conduct pile driving during the Nuiqsut whaling season in an effort to eliminate effects on the availability of bowhead whales for subsistence hunting that could occur as a result of project noise. Nuiqsut whaling is approximately August 25–September 15, though the exact dates may change.

Barging activities could potentially impact Nuiqsut's fall bowhead whale hunt and possibly other marine mammal harvest activities in the Beaufort Sea. As mentioned previously, barging activities are beyond the scope of this IHA, and no take is expected to occur as a result of barging activities. However, NMFS will require 8 Star Alaska to limit barges to waters landward of Cross Island during the Nuiqsut whaling season (approximately August 25–September 15, though the exact dates may change) in an effort to avoid any potential impacts on

subsistence uses. 8 Star Alaska has consulted with AEWC and NSB on mitigation measures to limit impacts and has continued to provide formal and informal project updates to these groups.

As described above in the Effects of Specified Activities on Subsistence Uses of Marine Mammals section, 8 Star Alaska's construction activities at West Dock do not overlap with the areas where subsistence hunters typically harvest ice seals, and given the extent of impacts to seals described in that section, these activities are not expected to impact subsistence hunts of ice seals. Therefore, NMFS has not included mitigation measures for subsistence harvest of ice seals; however, 8 Star Alaska will continue to meet with subsistence groups, including the Ice Seal Committee, as described in the POC.

Based on our evaluation of the applicant's mitigation measures, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for subsistence uses.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (e.g., presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or

environment (e.g., source characterization, propagation, ambient noise); (2) affected species (e.g., life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (e.g., age, calving or feeding areas);

- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;

- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;

- Effects on marine mammal habitat (e.g., marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and,

- Mitigation and monitoring effectiveness.

The monitoring and reporting requirements described in the following were proposed by 8 Star Alaska in its adequate and complete application and/or are the result of subsequent coordination between NMFS and 8 Star Alaska. 8 Star Alaska has agreed to the requirements. NMFS describes these below as requirements and has included them in the IHA.

Visual Monitoring

Marine mammal monitoring must be conducted in accordance with the Marine Mammal Monitoring Plan, available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable>. Marine mammal monitoring during pile driving and removal must be conducted by NMFS-approved PSOs in a manner consistent with the following:

- PSOs must be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods.

- At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;

- Other PSOs may substitute other relevant experience, education (degree in biological science or related field), or training for prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization. PSOs may also substitute Alaska native traditional knowledge for experience (NMFS

recognizes that PSOs with traditional knowledge may also have prior experience, and therefore be eligible to serve as the lead PSO).

- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization; and

- PSOs must be approved by NMFS prior to beginning any activity subject to this IHA.

PSOs must have the following additional qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;

- Experience or training in the field identification of marine mammals, including the identification of behaviors;

- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;

- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammal observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and

- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

At least two PSOs will be present during all pile driving/removal activities. PSOs will have an unobstructed view of all water within the shutdown zones. PSOs will observe as much of the Level A and Level B harassment zone as possible. PSO locations are as follows:

- Dock Head 4—During impact pile driving at DH4, two PSOs must be stationed to view toward the east, north, and west of the sweater treatment plan. During vibratory pile driving at DH4, two PSOs must monitor from each PSO location (four PSOs); and

- Barge Bridge—During work at the barge bridge, two PSOs must be stationed at the north end of the bridge.

PSOs will be stationed on elevated platforms at DH4, and on the elevated bridge during work at the barge bridge. They will possess the equipment described in the Marine Mammal Monitoring and Mitigation Plan, including NVDs during nighttime monitoring. However, during the

primary construction season, nighttime on the North Slope will be brief. Given the elevated PSO sites and equipment, 8 Star Alaska expects that they will be able to effectively observe phocids at distances up to 500 m, large cetaceans at 2–4 km, and belugas at 2–3 km, however, PSOs will not be able to effectively observe the entire area of the Level A harassment (seals only) or Level B harassment zones during all pile driving activities.

PSOs will begin monitoring 3 days prior to the onset of pile driving and removal activities and continue through three days after completion of the pile driving and removal activities. PSOs will monitor 24 hours per day, even during periods when construction is not occurring. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the elapsed between uses of the pile driving equipment is no more than 30 minutes.

Acoustic Monitoring

Acoustic monitoring, to be conducted for purposes of measuring sound source levels and sound propagation, must be conducted in accordance with accepted methodology as described in an Acoustic Monitoring Plan, which 8 Star Alaska must develop after its contractor is selected. The plan must be reviewed by NMFS, the NSB, and the AEWC, and approved by NMFS. 8 Star Alaska must conduct acoustic monitoring for the number of each pile type and size indicated in the approved plan. 8 Star Alaska may request that NMFS adjust the shutdown zones and revise the Level A and Level B harassment zones, as appropriate, pending NMFS' review and approval of the results of acoustic monitoring.

8 Star Alaska will also conduct PAM for marine mammals. 8 Star Alaska will deploy three hydrophones during the open-water season to monitor for marine mammals, in accordance with a Marine Mammal Monitoring and Mitigation Plan and Acoustic Monitoring Plan. This PAM is intended to inform the estimate of marine mammals in the Level B harassment zone, given that PSOs are not able to observe the entire zone for all species and activities.

8 Star Alaska will deploy the hydrophones as recommended by the PRP, located between the 1,400 m and 4,700 m zones (noting that the 1,400 m zone was updated since the PRP report to reflect an updated acoustic analysis

(formerly 2,200 m)), as described below, and will adjust the locations as appropriate if the Level B harassment zones are adjusted following SSV results. 8 Star Alaska will deploy the PAM recorders 3 days prior to the start of pile driving and will retrieve them three days after completion of pile driving during the open-water season.

Should construction be required during the contingency period when there will be ice-cover, 8 Star Alaska will deploy one hydrophone at the end of the open-water season located in between the 1,400 m and 4,700 m zones, perpendicular to the pile driving site. The location must be reviewed by NMFS, the NSB, and the AEWC, and approved by NMFS prior to deployment. Additional hydrophones during the contingency period are not warranted, as we do not expect cetaceans to be present in the area during this time (Citta *et al.*, 2017, Quakenbush *et al.*, 2018), and while ringed seals likely will be present, few, if any, spotted or bearded seals are likely to be present during that time (Bengtson *et al.*, 2005, Lowry *et al.*, 1998, Simpkins *et al.*, 2003).

Reporting

A draft marine mammal monitoring report will be submitted to NMFS within 90 days after the completion of marine mammal and acoustic monitoring or 60 days prior to the issuance of any subsequent IHA for this project, whichever comes first. The report will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring;
- Construction activities occurring during each daily observation period, including precise start and stop time of each type of construction operation mode, how many and what types of piles were driven or removed and by what method (*i.e.*, impact or vibratory);
- Total number of hours during which each construction activity type occurred;
- Total number of hours that PSOs were on duty during each construction activity, and total number of hours that PSOs were on duty during periods of no construction activity;
- Weather parameters and water conditions during each monitoring period (*e.g.*, wind speed, percent cover, visibility, sea state), and number of hours of observation that occurred during various visibility and sea state conditions;

- The number of marine mammals observed, by species and operation mode, relative to the pile location, and if pile driving or removal was occurring at time of sighting;

- The number of marine mammals observed (including periods with no construction);

- Age and sex class, if possible, of all marine mammals observed;

- PSO locations during marine mammal monitoring, including elevation above sea level;

- Distances and bearings of each marine mammal observed to the pile being driven or removed for each sighting (if pile driving or removal was occurring at time of sighting);

- Description of any marine mammal behavior patterns during observation, including direction of travel and estimated time spent within the Level A and Level B harassment zones while the source was active;

- Number of individuals of each species (differentiated by month as appropriate) detected within the Level A and Level B harassment zones;

- Histograms of perpendicular distances to PSO sightings, by species (or species group if sample sizes are small);

- Sighting rates summarized into daily or weekly periods for the before, during, and after construction periods;

- Maps showing visual detections by species and construction activity type.

- Detailed information about any implementation of any mitigation triggered (*e.g.*, shutdowns and delays), a description of specific actions that ensued, and resulting behavior of the animal, if any;

- Description of attempts to distinguish between the number of individual animals taken and the number of incidences of take, such as ability to track groups of individuals;

- An estimation of potential takes, by species, by Level A and Level B harassment based on the number of observed exposures within the Level A and Level B harassment zones and the percentages of the Level A and Level B harassment zones that were not visible;

- Submit all PSO datasheets and/or raw sighting data (in a separate file from the Final Report referenced immediately above).

If no comments are received from NMFS within 30 days, the draft report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

For the SSV, 8 Star Alaska's acoustic monitoring report must, at minimum, include the following:

- Hydrophone equipment and methods: Recording device, sampling rate, distance (m) from the pile where recordings were made, depth of recording device(s);

- Type and size of pile being driven, substrate type, method of driving during recordings;

- For impact pile driving: Pulse duration and mean, median, and maximum sound levels (dB re: 1μPa): Cumulative sound exposure level (SEL_{cum}), peak sound pressure level (SPL_{peak}), root-mean-square sound pressure level (SPL_{rms}), and single-strike sound exposure level (SEL_{s-s}).

- For vibratory driving/removal: Mean, median, and maximum sound levels (dB re: 1μPa): SPL_{rms}, SEL_{cum}, and timeframe over which the sound is averaged.

- Number of strikes (impact) or duration (vibratory) per pile measured, one-third octave band spectrum, power spectral density plot;

- Estimated source levels referenced to 10 m, transmission loss coefficients, and estimated Level A and Level B harassment zones.

For the PAM for marine mammals, 8 Star Alaska's acoustic monitoring report must, at minimum, include the following:

- Number of marine mammal detections (including species, date and time of detections, and type of pile driving underway during each detection, if applicable);

- Detection rates summarized into daily or weekly periods for the before, during, and after construction periods;

- Received sound levels from pile driving activity;

- The following hydrophone equipment and method information: Recording devices, sampling rate, sensitivity of the PAM equipment, locations of the hydrophones, duty cycle, distance (m) from the pile where recordings were made, depth of recording devices, and depth of water in area of recording devices.

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the Holder must report the incident to the Office of Protected Resources (OPR), NMFS (PR.ITP.MonitoringReports@noaa.gov and itp.jacobus@noaa.gov) and to the Alaska regional stranding network (877-925-7773) as soon as feasible. If the death or injury was clearly caused by the specified activity, the Holder must immediately cease the activities until NMFS OPR is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of this IHA.

The Holder must not resume their activities until notified by NMFS.

The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

Monitoring Plan Peer Review

The MMPA requires that monitoring plans be independently peer reviewed where the proposed activity may affect the availability of a species or stock for taking for subsistence uses (16 U.S.C. 1371(a)(5)(D)(ii)(III)). Regarding this requirement, NMFS' implementing regulations state that upon receipt of a complete monitoring plan, and at its discretion, NMFS will either submit the plan to members of a peer review panel for review or within 60 days of receipt of the proposed monitoring plan, schedule a workshop to review the plan (50 CFR 216.108(d)).

NMFS has established an independent peer review panel to review 8 Star Alaska's Monitoring Plan for 8 Star Alaska's planned project in Prudhoe Bay. NMFS provided 8 Star Alaska's monitoring plan to the PRP and asked them to answer the following questions:

1. Will the applicant's stated objectives effectively further the understanding of the impacts of their activities on marine mammals and otherwise accomplish the goals stated below? If not, how should the objectives be modified to better accomplish the goals below?

2. Can the applicant achieve the stated objectives based on the methods described in the plan?

3. Are there technical modifications to the proposed monitoring techniques and methodologies proposed by the applicant that should be considered to better accomplish the objectives?

4. Are there techniques not proposed by the applicant (*i.e.*, additional monitoring techniques or methodologies) that should be considered for inclusion in the applicant's monitoring program to better accomplish the objectives?

5. What is the best way for an applicant to present their data and

results (formatting, metrics, graphics, *etc.*) in the required reports that are to be submitted to NMFS (*i.e.*, 90-day report)?

The PRP met in March 2020 and subsequently provided a final report to NMFS containing recommendations that the panel members felt were applicable to 8 Star Alaska's monitoring plan. The panel concluded that the objectives are appropriate; however, they provided some recommendations to improve 8 Star Alaska's ability to achieve their stated objectives. The PRP's primary recommendations and comments are summarized and addressed below. The PRP's full report is available on our website at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable>. Given that 8 Star Alaska's activities have not changed since the PRP reviewed the Monitoring Plan, an additional peer review was not necessary. However, where changes in best available science since the peer review (such as the publication of NMFS 2024) affect aspects of the monitoring plan and NMFS' analysis herein, we have noted those changes, and modified the monitoring requirements that resulted from PRP recommendations, as appropriate, and as described below.

The PRP recommended that 8 Star Alaska station PSOs on elevated platforms to increase sighting distance. NMFS agrees and is requiring 8 Star Alaska to provide elevated monitoring locations for PSOs. The structures will vary depending on the construction location.

The PRP recommended that PSOs focus on scanning the shoreline and water, alternately with visual scans and using binoculars, to detect as many animals as possible rather than following individual animals for any length of time to collect detailed behavioral information. NMFS requires PSOs to document and report the behavior of marine mammals observed within the Level A and Level B harassment zones. While NMFS agrees that PSOs should not document behavior at the expense of detecting other marine mammals, particularly within the shutdown zone, we are asking PSOs to record an estimate of the amount of time that an animal spends in the harassment zone, which is important to help understand the likelihood of incurring auditory injury (given the duration component of the thresholds) and the severity of behavioral disturbance.

The PRP recommended that the PSOs record visibility conditions at regular

intervals (*e.g.*, every 5 minutes) and as conditions change throughout the day. The panel recommended using either laser range finders or a series of "landmarks" at varying distances from each observer. The PRP notes that if 8 Star Alaska uses landmarks, 8 Star Alaska could measure the distance to the landmarks on the ground before pile driving or removal begins, and reference these landmarks throughout the season to record visibility. The landmarks could be buildings, signs, or other stationary objects on land that are located at increasing distances from each observation platform. PSOs should record visibility according to the farthest landmark the laser range finder can detect or that the PSO can clearly see. NMFS is requiring 8 Star Alaska to record visibility conditions throughout construction; however, NMFS is requiring PSOs to record visibility every 30 minutes, rather than every 5 minutes, in an effort to minimize distraction from observing marine mammals. PSOs will be equipped with range finders, and will establish reference landmarks on land.

The PRP recommended that 8 Star Alaska have a designated person on site keeping an activity log that includes the precise start and stop dates and times of each type of construction operation mode. 8 Star Alaska's field lead PSO will record this information during construction.

The PRP commended 8 Star Alaska's proposed use and experimentation with NVD and IR technology. The panel noted that there are many devices with a broad range of capabilities that should be thoroughly understood before the experiment is conducted. As described in the *Mitigation for Marine Mammals and their Habitat*, 8 Star Alaska plans to use and test NVD and IR technology, and 8 Star Alaska will select the most effective devices based on surveys of experienced PSOs and literature provided by the panel.

The PRP expressed concern about the limited effective visual detection range of the PSOs in comparison with the estimated size of the Level A and Level B harassment zones, including 8 Star Alaska's ability to shut down at the proposed distances, and 8 Star Alaska's ability to estimate actual Level A and Level B harassment takes. The panel noted that effective sighting distances are likely 200 m for seals, and 1 km for mysticetes, based on ship-based PSO observations in the Chukchi Sea (LGL *et al.*, 2011). They noted that the effective sighting distance for beluga whales may be greater than 200 m, although visibility would likely decrease in windy conditions with white caps

(DeMaster *et al.*, 2001). The panel recommended that 8 Star Alaska implement real-time PAM to verify the harassment zone sizes, and to improve detection of marine mammals at distances where visual detection probability is limited or not possible. The panel recommended that 8 Star Alaska begin PAM 2–3 weeks prior to the start of construction and continue through 2–3 weeks after construction activities conclude for the season. They recommended archival bottom mounted recorders as an alternative to real-time PAM, but noted that these setups are not as easy to relocate and that data can only be accessed after recovery.

In a related comment, the panel recommended that 8 Star Alaska report total estimated Level A and Level B harassment takes using two methods. First, the panel recommended that 8 Star Alaska assume that animal density is uniform throughout the Level B harassment zone and use distance sampling methods, such as Burt *et al.* (2014), based only on the shore-based PSO observations to estimate actual takes by Level B harassment. Second, the PRP recommended that 8 Star Alaska also use real-time PAM to estimate takes by Level B harassment only in the far field, assuming that each acoustic detection that occurs during pile driving or removal is a Level B harassment take.

In consideration of the effective sighting distances included in the PRP report, and estimated effective sighting distances from the applicant, NMFS has acknowledged the shorter likely sighting distances (via the potential takes by Level A harassment considered in the analysis) and has included a shutdown zone for phocids of 500 m during impact pile driving of 11.5-in (29.2 cm) H-Piles and 48-inch (122 cm) pile piles and of 300 m for impact pile driving of 14-inch (36 cm) H-piles, both of which are expected to be visible to PSOs. While this distance is greater than the 200 m estimated by the PRP, shore-based PSOs typically have greater visibility. Additionally, 8 Star Alaska's PSOs will observe from elevated locations.

NMFS is not requiring 8 Star Alaska to report Level A and Level B harassment takes using distance sampling methods, as NMFS does not believe that it is appropriate to apply precise distance sampling methods intended for systematic surveys to estimating take numbers in this situation. As noted by the panel, the assumption of uniform density throughout the Level A and Level B harassment zones is not likely appropriate for this project, given

varying habitat attributes throughout the zones such as distance from the shore and water depth. The pile driving and removal activities are likely to further affect the distribution within the zones. However, as a simpler alternative to help understand the potential exposures within the unseen area, NMFS is requiring 8 Star Alaska to include an estimation of potential takes by Level A and Level B harassment based on the number of observed exposures within the Level A or Level B harassment zone and the percentage of the Level A or Level B harassment zone that was not visible in their final report.

NMFS is not requiring 8 Star Alaska to implement real-time PAM (as described below). However, NMFS is requiring 8 Star Alaska to conduct SSV at the start of construction, and as appropriate, NMFS may update the Level A and Level B harassment zones and shutdown zones based on the SSV results. Additionally, NMFS is requiring 8 Star Alaska to deploy three archival PAM receivers during the open water season to collect data that indicates the presence of marine mammals. As stated previously, the PRP recommended archival bottom mounted recorders as an alternative to real-time PAM, although NMFS is requiring 8 Star Alaska to deploy these in stationary locations, rather than relocating the receivers for various construction activities as recommended by the PRP. If NMFS updates the Level B harassment zones following review of the SSV results, the hydrophones may be relocated, as described in 8 Star Alaska's monitoring plan. 8 Star Alaska will implement the majority, if not all, of the pile driving and removal during the open water season. Since 8 Star Alaska would need to deploy the PAM system after ice melt, deploying it 2–3 weeks before and after the construction period would narrow 8 Star Alaska's open water work window by at least 1 month. Additionally, while 8 Star Alaska's construction is occurring within a limited timeframe, other companies have operations in the area also, which may interfere with the ability to gather baseline data regarding marine mammal presence without interference from other industrial activities. Marine mammals in the project area are migratory, so presence within the work area would change throughout the suggested monitoring period, even if 8 Star Alaska was not conducting the activity. As such, NMFS is requiring 8 Star Alaska to deploy the three archival PAM receivers for 3 days prior to the start of construction, through construction, and for 3 days

after completion of construction activities. 8 Star Alaska will deploy the hydrophones in the general locations suggested by the PRP (noting that some zones have been updated since the PRP report) and as described in the *Acoustic Monitoring* section above. If the Level A and Level B harassment zones are updated based on SSV results, the hydrophones may be relocated, as appropriate.

If construction during the contingency period is necessary, 8 Star Alaska will deploy one overwintering hydrophone at the end of the open-water season for monitoring during the contingency period. Additional hydrophones during the contingency period are not warranted, as we do not expect cetaceans to be present in the area during this time (Quakenbush *et al.*, 2018, Citta *et al.*, 2017) and while ringed seals likely will be present, few, if any, spotted or bearded seals are likely to be present during that time (Bengtson *et al.*, 2005, Lowry *et al.*, 1998, Simpkins *et al.*, 2003). A location for the contingency period hydrophone will be selected closer to construction, and must be reviewed by NMFS, the NSB, and the AEWC, and approved by NMFS prior to deployment.

Real-time PAM might be helpful if there were a limited ability to detect animals using other methods as required to support the implementation of mitigation action, such as shutting down operations at the time that a detection occurs. However, in this instance, visual monitoring by PSOs can adequately detect marine mammals and minimize take by Level A harassment, and the authorization includes take by Level A harassment of ice seals. Further, the operation of real-time PAM is significantly more costly than collecting PAM data for later analyses, as someone would need to monitor the data in real-time, and the PAM buoys would need to be relocated for changes in Level A and Level B harassment zone sizes between various pile sizes and installation or removal methods. Given the limitations described above, and the limited additional detection value added by the addition of real-time PAM in these circumstances, implementation of real-time PAM is not warranted in light of the associated cost and effort.

The PRP also recommended that PSO observations begin 2–3 weeks prior to construction, continue through the construction season, and continue for 2–3 weeks after the construction season ends. Given that ice conditions in the weeks leading up to the construction period will differ from that during construction (as will ice seal presence), NMFS is requiring PSOs to observe from

shore during the 3 days before construction begins, and for 3 additional days after the construction season ends, rather than 2–3 weeks. During the construction season, NMFS is requiring PSOs to monitor 24 hours per day, even during periods without construction.

The PRP also made recommendations regarding how 8 Star Alaska should present their monitoring data and results. Please refer to part V of the report for those suggestions. 8 Star Alaska will implement the reporting recommendations that do not require PAM as stated in the recommendations. NMFS is requiring 8 Star Alaska to conduct the reporting in recommendations i and j (report received sound levels, propagation loss, isopleth distances and sound source levels, as well as sighting and acoustic detection rates summarized into daily or weekly periods for the before, during, and after construction periods). However, NMFS is not requiring 8 Star Alaska to include maps showing acoustic detections by species and construction activity type (part of recommendation h), as 8 Star Alaska does not intend to set the hydrophones up as a localization array, and therefore, the data would not be appropriate for reporting specific locations of marine mammal detections.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be “taken” through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS’ implementing regulations (54 FR 40338, September 29,

1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the majority of our analysis applies to all the species listed in table 15, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, they are described independently in the analysis below.

Pile driving and removal activities associated with the project, as outlined previously, have the potential to disturb or temporarily displace marine mammals or, in limited cases, cause auditory injury. Specifically, the specified activities may result in take, in the form of Level A and Level B harassment, from underwater sounds generated from pile driving and removal. Potential takes could occur if individuals of these species are present in zones encompassed above the thresholds for Level A or Level B harassment, identified above, when these activities are underway. While 8 Star Alaska may pile drive at any time of day (24 hours per day), we do not expect noise-producing pile driving will actually occur at all times during a 24-hour period, given the general construction process, including time for setting up piles for installation.

The takes by Level A and Level B harassment will be due to potential behavioral disturbance, TTS, and auditory injury. No mortality or serious injury is anticipated given the nature of the activity. Level A harassment is only anticipated for ringed seal, spotted seal, and bearded seal. The potential for Level A harassment is minimized through the construction method and the implementation of the required mitigation (see Mitigation).

Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.*, Thorson and Reyff, 2006, HDR Inc., 2012, Lerma, 2014, ABR, 2016).

Most likely for pile driving, individuals will move away from the sound source and be temporarily displaced from the areas of pile driving, although even this reaction has been observed primarily only in association with impact pile driving, which is just a portion of 8 Star Alaska’s construction. Level B harassment will be reduced to the level of least practicable adverse impact through use of mitigation measures described herein. If sound produced by project activities is sufficiently disturbing, animals are likely to avoid the area while the activity is occurring. While vibratory pile driving associated with the project may produce sound at distances of many km from the project site, the project site itself is located in an active industrial area, as previously described. Therefore, we expect that animals disturbed by project sound will avoid the area and use more-preferred habitats.

In addition to the expected effects resulting from Level B harassment, we anticipate that ringed seals, spotted seals, and bearded seals may sustain limited Level A harassment in the form of auditory injury. However, animals that experience auditory injury will likely only receive minor degradation of hearing capabilities within regions of hearing that align most completely with the frequency range of the energy produced by pile driving, *i.e.* the low-frequency region below 2 kHz, not severe hearing impairment or impairment in the regions of greatest hearing sensitivity. If hearing impairment occurs, it is most likely that the affected animal will lose no more than a few dB in its hearing sensitivity, which in most cases is not likely to meaningfully affect its ability to forage and communicate with conspecifics.

Habitat disturbance and alteration resulting from project activities could have a few highly localized, short-term effects for a few marine mammals; however, the area of affected habitat will be small compared to that available to marine mammal species. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals’ foraging opportunities in a limited portion of the foraging range. We do not expect pile driving activities to have significant, long-term consequences to marine invertebrate populations. Given the relatively short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat, including fish and invertebrates, are not expected to cause significant or long-term negative consequences to marine

mammals or to populations of fish or invertebrate species.

A small portion of the project area overlaps with habitat that was previously designated as ringed seal critical habitat, but subsequently vacated by the U.S. District Court for the District of Alaska. Although this portion of habitat located within the project area contains features necessary for ringed seal formation and maintenance of subnivean birth lairs, basking and molting, and foraging, these features also exist outside of the project area and should be available to ringed seals. 8 Star Alaska's February to April pile driving contingency period overlaps with the period when ringed seals are constructing subnivean lairs, giving birth, and nursing pups. As discussed in the Mitigation section, in the unlikely event that they need to work during the contingency period, 8 Star Alaska will be required to begin construction prior to March 1 when ringed seals are known to begin constructing lairs. As such, we expect that ringed seals will construct their lairs away from the pile driving operations, therefore minimizing disturbance and avoiding any potential for physical injury to seals in lairs. We expect that 8 Star Alaska will complete the majority, if not all of the pile driving during the open water season, so any pile driving that did remain could likely be completed in the earlier portion of the contingency period, further reducing the potential for impacts to ringed seals while lairing or pupping.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- The relatively small number of takes by Level A harassment, for seals only, are anticipated to result only in slight auditory injury within the lower frequencies associated with pile driving;
- The intensity of anticipated takes by Level B harassment will be minimized through implementation of the mitigation measures described above. While some instances of TTS could occur, the majority of Level B harassment takes will likely be in the form of avoidance of the project area, temporary cessation of foraging and vocalizing, or changes in dive behavior;
- The area impacted by the specified activity is very small relative to the overall habitat ranges of all species;
- The project area has minimal overlap with ringed seal critical habitat;

- Impacts to critical behaviors such as lairing and pupping by ringed seals will be avoided and minimized through implementation of mitigation measures described above;

- 8 Star Alaska will cease pile driving during the Nuiqsut whaling season, therefore minimizing the amount or severity of take of bowhead whale during a time when animals are expected to migrate by in relatively higher density.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers (see 86 FR 5322, January 19, 2021). Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities. The number of authorized instances of take for each species or stock is included in table 15. Our analysis shows that less than one-third of the best available population abundance estimate of each stock could be taken by harassment (in fact, take of individuals is no more than 0.7 percent of the abundance for all affected stocks). The number of animals authorized to be taken for each stock is considered small relative to the relevant stock's abundances.

For beluga whale, the percentages in table 15 assume that all takes of beluga whale will accrue to each stock; however, we expect that most, if not all, beluga whales taken by this project will be from the Beaufort Sea stock.

For the Beringia stock of bearded seals, a complete stock abundance value is not available. An abundance estimate

is currently only available for the portion of bearded seals in the Bering Sea (Muto *et al.*, 2021). This abundance estimate for the Bering Sea is 301,836 bearded seals (Conn *et al.*, 2014). Given the 438 takes by Level B harassment and 3 takes by Level A harassment for the stock, comparison to the Bering Sea estimate, which is only a portion of the Beringia stock (which also includes animals in the Chukchi and Beaufort Seas), shows that, at most, less than one percent of the stock is expected to be impacted.

A complete stock abundance value is also not available for the Arctic stock of ringed seals. The abundance estimate available, 171,418 animals, is only a partial estimate of the Bering Sea portion of the population (Conn *et al.*, 2014). As noted in the SAR, this estimate does not include animals in the shore fast ice zone, and the authors did not account for availability bias. Muto *et al.* 2021 expect that the Bering Sea portion of the population is actually much higher. Given the 2,041 takes by Level B harassment and 12 takes by Level A harassment takes for the stock, comparison to the Bering Sea partial estimate, which is only a portion of the Arctic stock (which also includes animals in the Chukchi and Beaufort Seas) represents only 1.2 percent of the stock.

Based on the analysis contained herein of the activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

In order to issue an IHA, NMFS must find that the specified activity will not have an "unmitigable adverse impact" on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined "unmitigable adverse impact" in 50 CFR 216.103 as an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Given the nature of the activity, and the required mitigation measures,

serious injury and mortality of marine mammals is not expected to occur. Impacts to marine mammals will mostly include limited, temporary behavioral disturbances of seals, however, some slight auditory injury in seals within the lower frequencies associated with pile driving is possible. Additionally, a small number of takes of bowhead whales, by Level B harassment only, are predicted to occur in the vicinity of 8 Star Alaska's activity. As described above, the required mitigation measures, such as implementation of shutdown zones, are expected to reduce the frequency and severity of takes of marine mammals.

Project activities could deter target species from Prudhoe Bay and the area ensonified above the relevant harassment thresholds. However, as described in the Effects of Specified Activities on Subsistence Uses of Marine Mammals section, subsistence use of seals and beluga whales is extremely limited in this area, as it is not within the preferred and frequented hunting areas. Bowhead whales typically remain outside of the area between the barrier islands and Prudhoe Bay, minimizing the likelihood of impacts from 8 Star Alaska's project. The takes are not expected to affect the fitness of any bowhead whales, or cause significant deflection outside of the typical migratory path in areas where subsistence hunts occur, and nor are the activities otherwise expected to interfere with the hunt. Additionally, during the Nuiqsut whaling season, 8 Star Alaska must cease pile driving, and project vessels must transit landward of Cross Island, therefore minimizing the potential impact to the Nuiqsut hunt. 8 Star Alaska will continue to coordinate with local communities and subsistence groups to minimize impacts of the project, as described in the POC.

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the mitigation and monitoring measures, NMFS has determined that there will

not be an unmitigable adverse impact on subsistence uses from 8 Star Alaska's activities.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS OPR consults internally whenever we propose to authorize take for endangered or threatened species, in this case with the Alaska Regional Office.

Three marine mammal species, bowhead whale, bearded seal (Beringia distinct population segment), and ringed seal (Arctic subspecies), occur in the project area and are listed under the ESA. The NMFS Alaska Regional Office issued a Biological Opinion on October 31, 2025 under section 7 of the ESA, on the issuance of an IHA to 8 Star Alaska under section 101(a)(5)(D) of the MMPA by NMFS OPR. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of bowhead whales, bearded seal (Beringia distinct population segment), and ringed seal (Arctic subspecies).

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment. NMFS participated as a cooperating agency on the 2020 Alaska LNG Project FEIS, which was finalized on March 6, 2020, and is available at <https://www.ferc.gov/industries-data/natural-gas/environment/final-environmental-impact-statement-feis>.

When acting as a cooperating agency, as is the case with this project, NMFS may satisfy its independent NEPA

obligations by either preparing a separate NEPA analysis for its issuance of an incidental take authorization or, if appropriate, by adopting the NEPA analysis prepared by the lead agency. NMFS independently reviewed and evaluated the 2020 Alaska LNG Project FEIS and determined that was adequate and sufficient to meet our responsibilities under NEPA for the issuance of the 2020 Prudhoe Bay IHA (86 FR 10658, February 22, 2021). NMFS therefore adopted the 2020 Alaska LNG Project FEIS on February 16, 2021.

In accordance with the information and analysis contained in this notice of final IHA, NMFS has determined that the final IHA will not result in impacts that were not fully considered in the 2020 Alaska LNG FEIS. 8 Star Alaska has made no substantial changes to the activities that are relevant to environmental concerns nor are there substantial new circumstances or information about the significance of adverse effects that bear on the analysis. Therefore, NMFS has determined that the 2020 Alaska LNG FEIS remains valid, and there is no need to supplement the document for issuance of this IHA. NMFS' Record of Decision for the Alaska LNG Project FEIS in relation to Issuance of an IHA to 8 Star Alaska can be found at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-oil-and-gas>.

Authorization

NMFS has issued an IHA to 8 Star Alaska for the potential harassment of small numbers of six marine mammal species incidental to the Alaska LNG project in Prudhoe Bay, AK, that includes the previously explained mitigation, monitoring, and reporting requirements.

Dated: November 13, 2025.

Kimberly Damon-Randall,

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

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Federal Reserve System

12 CFR Parts 225, 238, and 252

Enhanced Transparency and Public Accountability of the Supervisory Stress Test Models and Scenarios; Modifications to the Capital Planning and Stress Capital Buffer Requirement Rule, Enhanced Prudential Standards Rule, and Regulation LL; Proposed Rule

FEDERAL RESERVE SYSTEM**12 CFR Parts 225, 238, and 252**

[Regulations Y, LL, and YY; Docket No. R-1873]

RIN 7100-AH05

Enhanced Transparency and Public Accountability of the Supervisory Stress Test Models and Scenarios; Modifications to the Capital Planning and Stress Capital Buffer Requirement Rule, Enhanced Prudential Standards Rule, and Regulation LL**AGENCY:** Board of Governors of the Federal Reserve System (Board).**ACTION:** Notice of Proposed Rulemaking.

SUMMARY: The Board is inviting public comment on the models used to conduct the Board's supervisory stress test, changes to those models to be implemented in the 2026 stress test, and proposed changes to enhance the transparency and public accountability of the Board's stress testing framework (the proposal). The proposal would amend the Policy Statement on the Scenario Design Framework for Stress Testing, including to implement guides for additional scenario variables, and the Stress Testing Policy Statement. The proposal would also codify an enhanced disclosure process under which the Board would annually publish comprehensive documentation on the stress test models, invite public comment on any material changes that the Board seeks to make to those models, and annually publish the stress test scenarios for comment. Lastly, the proposal would make changes to the FR Y-14A/Q/M to remove items that are no longer needed to conduct the supervisory stress test and to collect additional data to support the stress test models and improve risk capture.

DATES: Comments must be received on or before January 22, 2026.

ADDRESSES: You may submit comments, identified by Docket No. R-1873 and RIN 7100-AH05, 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, 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 docket

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 be not 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.

FOR FURTHER INFORMATION CONTACT:

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I. Introduction

In December 2024, the Board announced that it would propose significant changes to improve the transparency of the supervisory stress test and reduce the volatility of resulting capital requirements.¹ The Board noted it planned to propose changes to disclose and seek public comment on the models that determine the

¹ See Board, Press Release (Dec. 23, 2024), <https://www.federalreserve.gov/newsevents/pressreleases/bcreg20241223a.htm>. In February 2025, the Board reiterated its previous announcement that it would begin the public comment process on changes to the supervisory stress test. See Board, Press Release (Feb. 5, 2025), <https://www.federalreserve.gov/newsevents/pressreleases/bcreg20250205a.htm>.

hypothetical losses and revenue of banks under stress and ensure that the public can comment on the hypothetical scenarios used annually for the test, before the scenarios are finalized. With this proposal, the Board is inviting public comment on the comprehensive model documentation for the 2026 stress test, as well as proposed changes to the models relative to the 2025 stress test. The comprehensive model documentation is available at <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>. The Board is inviting comment on the proposed scenarios for the 2026 stress test through a separate notice.

This proposal seeks to improve the transparency and public accountability of the supervisory stress test, while ensuring that the stress test remains an effective tool for understanding and assessing risk and retaining appropriate risk sensitivity and risk capture in capital requirements.

The Board periodically reviews its regulations, including transparency efforts surrounding its regulations, to ensure they continue to achieve their goals in an effective and efficient manner. In addition to the changes discussed herein, the Board is also considering the effectiveness of its regulatory capital and capital planning requirements for large firms to ensure they remain cohesive and effective, maintain the resilience of the banking sector, and minimize any unnecessary burden. If appropriate, the Board will make changes to its rules through the public notice and comment process.

Question 1: The Board seeks comment on all aspects of the proposal. What, if any, other elements of the supervisory stress test framework should the Board consider amending to improve the transparency, public accountability, and effectiveness of the supervisory stress test? For example, the Board could instead transliterate the models used to conduct the stress test and codify these transliterations in its regulations. What would be the advantages and disadvantages of this approach or other approaches the Board could consider?

II. Background on Stress Testing Framework, Stress Test Models, and Scenario Design Framework

A. Stress Testing Framework

Congress enacted the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) in the wake of the 2007–09 financial crisis.² Section 165 of the Dodd-Frank Act, as

amended by section 401 of the Economic Growth, Regulatory Relief, and Consumer Protection Act,³ requires the Board to establish enhanced prudential standards for nonbank financial companies supervised by the Board and bank holding companies with \$250 billion or more in total consolidated assets.⁴ The purpose of these enhanced prudential standards is to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress or failure, or ongoing activities, of large, interconnected financial institutions.

Section 165(i)(1) of the Dodd-Frank Act requires the Board to conduct an annual supervisory stress test of nonbank financial companies supervised by the Board and bank holding companies with \$250 billion or more in total consolidated assets to evaluate whether the firm has the capital, on a total consolidated basis, necessary to absorb losses as a result of adverse economic conditions.⁵ Section 401(e) of the Economic Growth, Regulatory Relief, and Consumer Protection Act requires the Board to conduct periodic stress tests for bank holding companies with total consolidated assets between \$100 billion and \$250 billion.⁶ Section 165(i)(1) of the Dodd-Frank Act requires the Board to publish a summary of the supervisory stress test results.⁷ In 2012, the Board adopted a final rule

implementing the stress test requirements established in the Dodd-Frank Act.⁸

The Dodd-Frank Act also requires bank holding companies with \$250 billion or more in total consolidated assets, as well as nonbank financial companies supervised by the Board, to conduct company-run stress tests on a periodic basis.⁹ Under the Board's rules, firms subject to Category I, II, or III standards must conduct company-run stress tests.¹⁰ Company-run stress tests provide forward-looking information to supervisors to assist in their overall assessments of a firm's capital adequacy, help to better identify downside risks and the potential impact of adverse outcomes on the firm's capital adequacy, and assist in achieving the financial stability goals of the Dodd-Frank Act. Further, the company-run stress tests help improve firms' stress testing practices with respect to their own internal assessments of capital adequacy and overall capital planning.

Each June, the Board publishes the results of its annual supervisory stress test, including each firm's projected capital ratios, pre-tax net income, losses, revenues, and expenses, under hypothetical, severely adverse economic and financial conditions.¹¹ These disclosures provide the public with valuable information about each firm's financial condition and the ability of

³ Economic Growth, Regulatory Relief, and Consumer Protection Act, Public Law 115–174, 132 Stat. 1296 (2018).

⁴ See 12 U.S.C. 5365(a). In addition, the International Lending Supervision Act of 1983 provides the Board with broad discretionary authority to set minimum capital levels for state member banks and certain affiliates of insured depository institutions, including holding companies, supervised by the Board. See 12 U.S.C. 3902(1); 3907(a); 3909(a). Under section 5(b) of the Bank Holding Company Act of 1956 (Bank Holding Company Act), the Board may issue such regulations and orders relating to capital requirements of bank holding companies as may be necessary for the Board to carry out the purposes of the Bank Holding Company Act. 12 U.S.C. 1844(b). Foreign banking organizations with a U.S. branch, agency, or commercial lending company subsidiary are made subject by the International Banking Act of 1978 (International Banking Act) to the provisions of the Bank Holding Company Act in the same manner as bank holding companies, see 12 U.S.C. 3106; therefore, the Board is also authorized under section 5(b) of the Bank Holding Company Act to impose these requirements on those foreign banking organizations, including on their U.S. operations. Similarly, with regard to savings and loan holding companies, section 10(g) of the Home Owners' Loan Act authorizes the Board to issue such regulations and orders relating to capital requirements as the Board deems necessary and appropriate to carry out the purposes of the Home Owners' Loan Act. See 12 U.S.C. 1467a(g)(1).

⁵ 12 U.S.C. 5365(i)(1).

⁶ 12 U.S.C. 5365 note (Supervisory Stress Test).

⁷ 12 U.S.C. 5365(i)(1)(B)(v).

⁸ See 77 FR 62378 (Oct. 12, 2012).

⁹ 12 U.S.C. 5365(i)(2).

¹⁰ See 84 FR 59032 (Nov. 1, 2019); 12 CFR 238.142; 12 CFR 252.53. State member banks with average total consolidated assets of greater than \$250 billion must also conduct company-run stress tests. 12 CFR 252.13.

¹¹ A firm subject to Category I through III standards must participate in the supervisory stress test every year, while a firm subject to Category IV standards is generally required to participate only every other year. See 12 CFR 217.2; 12 CFR 238.10; 12 CFR 252.5; 84 FR 59032 (Nov. 1, 2019). In 2019, the Board adopted rules establishing four categories of prudential standards for U.S. banking organizations with total consolidated assets of \$100 billion or more and foreign banking organizations with combined U.S. assets of \$100 billion or more. See 12 CFR 217.2; 12 CFR 238.10; 12 CFR 252.5; 84 FR 59032 (Nov. 1, 2019). Category I standards apply to U.S. GSIBs and their depository institution subsidiaries. Category II standards apply to banking organizations with at least \$700 billion in total consolidated assets or at least \$75 billion in cross-jurisdictional activity and their depository institution subsidiaries. Category III standards apply to banking organizations with total consolidated assets of at least \$250 billion or at least \$75 billion in weighted short-term wholesale funding, nonbank assets, or off-balance sheet exposure and their depository institution subsidiaries. Category IV standards apply to banking organizations with total consolidated assets of at least \$100 billion that do not meet the thresholds for a higher category and their depository institution subsidiaries.

² Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010).

each firm to absorb losses considering a stressful economic environment.

Following the 2007–09 financial crisis, the Board also made changes to its capital rule to address weaknesses observed during the crisis.¹² These changes included the establishment of a minimum common equity tier 1 capital requirement and a fixed capital conservation buffer equal to 2.5 percent of risk-weighted assets.¹³ Large firms also became subject to a countercyclical capital buffer requirement, and the largest and most systemically important firms—global systemically important bank holding companies, or GSIBs—became subject to an additional capital buffer based on a measure of their systemic risk, the GSIB surcharge.¹⁴ In 2020, the Board adopted the stress capital buffer requirement for certain firms.¹⁵ Because a firm's stress capital buffer requirement is informed by the firm's performance under the hypothetical economic conditions modeled by the supervisory stress test, each firm's stress capital buffer requirement is tailored to its risk profile.

Supervisory stress testing and stronger capital requirements have significantly improved the resilience of the U.S. banking system. Since 2009, the common equity capital ratios of firms subject to the test have more than doubled, with common equity capital of such firms increasing by over \$1 trillion.¹⁶ Since 2020, the supervisory stress test results have also informed a firm's stress capital buffer requirement. Greater transparency would allow firms to better understand the capital requirements associated with investment and expansion of different business lines and would facilitate more effective long-term capital planning. This, in turn, could enhance firms' ability to supply credit to households and businesses, ultimately supporting economic growth and financial stability.

B. Prior Supervisory Stress Disclosures and Policy Statements

In addition to the annual stress test results disclosure, the Board has historically published some information about the supervisory stress test scenarios and models.

Scenarios

The Board's stress test rules provide that the Board will notify firms, by no later than February 15 of each year, of the scenarios that the Board will apply to conduct its annual supervisory stress test and that firms must use to conduct their company-run stress tests.¹⁷ The Board also provides a narrative description of the scenarios no later than February 15 of each calendar year.¹⁸

In 2013, the Board increased the transparency of the scenarios by finalizing the Policy Statement on the Scenario Design Framework for Stress Testing (Scenario Design Policy Statement), which articulated the Board's approach to scenario design for the supervisory and company-run stress tests, outlining the characteristics of the stress test scenarios, and explaining the considerations and procedures that underlie the formulation of these scenarios.¹⁹ The Scenario Design Policy Statement also described the baseline and severely adverse scenarios, the Board's approach for developing these two macroeconomic scenarios, and the approach for developing any additional components of the stress test scenarios. The Scenario Design Policy Statement explained that the severely adverse scenario is designed to reflect conditions that have characterized post-war U.S. recessions (the recession approach). Historically, recessions have typically featured increases in the unemployment rate, contractions in aggregate incomes and economic activity, and declines in inflation and interest rates.

In the 2013 Scenario Design Policy Statement, the Board explained that, in light of the typical co-movement of measures of economic activity during economic downturns, such as the unemployment rate and gross domestic product, the Board would first specify a path for the unemployment rate and then develops paths for other measures of activity broadly consistent with the course of the unemployment rate in

developing the severely adverse scenario. The 2013 Scenario Design Policy Statement also stated that economic variables included in the scenarios may change over time, and that the Board may augment the recession approach with certain salient risks, which would involve incorporating features that address aspects of the current economic or financial market environment that represent higher-than-normal risks to the condition of the banking system.

In 2019, the Board updated the Scenario Design Policy Statement, which increased the transparency and predictability of the scenarios by allowing for a smaller-than-usual increase in unemployment if the stress test were to occur during an economic downturn, a change that would pass through to reduced severity of other key scenario variables due to the deference given to historical correlations. The 2019 update also introduced a formula with countercyclical features to guide the evolution of the ratio of housing prices to disposable income in the scenario, which provided more predictability in the way that the stress test would treat business lines affected by changes in house prices. However, the Board believes that the design of scenarios could be made more transparent and predictable by providing additional guides for certain macroeconomic variables, and by disclosing additional detailed information on the methodology used to create the global market shock component of the severely adverse scenario, as described below.

a. Trading and Counterparty Components

For a subset of firms, the severely adverse scenario also includes two additional components: the global market shock component and the largest counterparty default component.²⁰ The global market shock component is a set of hypothetical shocks to a large set of risk factors reflecting general market distress and heightened uncertainty. A firm with significant trading activity must consider the global market shock component as part of its severely adverse scenario and recognize associated losses in the first quarter of the projection horizon.²¹ The global

¹² See generally 12 CFR part 217.

¹³ See 78 FR 62018 (Oct. 11, 2013); 12 CFR 217.11.

¹⁴ See 80 FR 49082 (Aug. 14, 2015).

¹⁵ In 2020, the Board finalized a rule to integrate supervisory stress test results into the capital framework, through the stress capital buffer requirement. See 85 FR 15576 (Mar. 18, 2020). The stress capital buffer requirement is calculated as the difference between a firm's starting and lowest projected common equity tier 1 capital ratio under the severely adverse scenario in the supervisory stress test plus four quarters of planned common stock dividends, expressed as a percentage of risk-weighted assets. See 12 CFR 225.8(f); 12 CFR 238.170(f). The stress capital buffer requirement framework generally applies to firms with \$100 billion or more in total consolidated assets.

¹⁶ Based on FR Y–9C (Consolidated Financial Statements for Holding Companies) filings.

¹⁷ See 12 CFR 238.132(b); 12 CFR 238.143(b); 12 CFR 252.14(b); 12 CFR 252.44(b); 12 CFR 252.54(b).

¹⁸ See, e.g., Board, 2025 Stress Test Scenarios (Feb. 2025), <https://www.federalreserve.gov/publications/files/2025-stress-test-scenarios-20250205.pdf>.

¹⁹ 12 CFR part 252, Appendix A.

²⁰ See 12 CFR 238.143(b)(2)(i); 12 CFR 252.54(b)(2)(i). For more information on the scenarios and components, see Board, 2025 Stress Test Scenarios (Feb. 2025), <https://www.federalreserve.gov/publications/files/2025-stress-test-scenarios-20250205.pdf>.

²¹ The global market shock component applies to firms subject to Category I, II, and III standards that have aggregate trading assets and liabilities of \$50

market shock component is applied to asset positions held by the firms on a given as-of date.²² In addition, for certain large and highly interconnected firms, the same global market shock component is applied to counterparty exposures under the largest counterparty default component.²³ The largest counterparty default component is intended to assess the potential losses and capital impact associated with the default of the largest counterparty of each applicable firm, and the as-of date aligns with that of the global market shock component.

The design and specification of the global market shock component differs from the design and specification of the severely adverse scenario in several respects. First, in alignment with U.S. generally accepted accounting principles (U.S. GAAP), profits and losses from trading and counterparty credit positions are measured in mark-to-market accounting terms in the global market shock, while revenues and losses from traditional banking activities, as generated under macroeconomic scenarios, are generally measured using the accrual accounting method. Second, the timing of loss recognition differs between the global market shock and the severely adverse macroeconomic scenario. The global market shock affects the mark-to-market value of trading positions and counterparty credit losses in the first quarter of the severely adverse scenario. This timing is based on an observation that market dislocations can happen rapidly and unpredictably at any time under stressed conditions. In addition, the severely adverse scenario is applied as of December 31 of each year (the jump-off date), whereas the global market shock as-of date changes every year (within the window specified in the Board's stress test rules) and does not necessarily coincide with the year-end. This timing is also based on a scenario assumption that market dislocations can happen rapidly and unpredictably at any time during the scenario horizon. Recognizing the global market shock in the first quarter helps ensure that potential losses from trading and counterparty exposures are incorporated

into firms' capital ratios in each quarter of the severely adverse scenario.

Models

Prior to 2019, the annual stress test results disclosure document contained an appendix describing the Board's supervisory stress test models.²⁴ In 2019, the Board increased the transparency of the supervisory stress test models by finalizing the Stress Testing Policy Statement²⁵ and the Enhanced Disclosure of the Models Used in the Federal Reserve's Supervisory Stress Test (Enhanced Model Disclosure).²⁶ The Stress Testing Policy Statement describes the Board's policies and procedures that guide the development, implementation, and validation of the models.²⁷ The Stress Testing Policy Statement also describes the Board's principles for stress test model design, namely that the system of models used in the supervisory stress test should result in projections that are (1) independent of firm projections; (2) forward-looking in that they project future losses and revenue; (3) consistent and comparable across firms; (4) generated from simple approaches, where appropriate; (5) robust and stable; (6) conservative; and (7) able to capture the effect of severe economic stress. The Board has developed stress test models in accordance with these principles, which are the foundation for the stress test modeling decisions described in the comprehensive documentation of the supervisory stress test models that the Board is publishing in conjunction with this proposal.

The Enhanced Model Disclosure supplemented prior public descriptions of the stress test models by providing some information about their structure and by including a list of key variables that influence the results of each model.²⁸ However, the Board believes more detailed information, beyond what is in the current Enhanced Model Disclosure, would improve the ability of firms to accurately assess how changes in their business activities might impact their supervisory stress test results and, relatedly, their stress capital buffer requirements and overall capital requirements.

C. Supervisory Stress Test Modeling Framework

The Board's stress test models take macroeconomic variables from the Board's severely adverse scenario and firm data as inputs to produce each firm's projected capital ratios over a nine-quarter horizon. The projected common equity tier 1 capital ratio is used to inform each firm's stress capital buffer requirement, which becomes part of a firm's capital conservation buffer.

The stress test models are intended to capture how a firm's regulatory capital would be affected by the macroeconomic and financial conditions described in the stress test scenarios, given the characteristics of the firm's business model and balance sheet composition. The Board uses a variety of statistical modeling techniques to produce the stress test results, including multivariate regression, which uses relationships in historical data to produce projections of a variable (such as a loss given default). These models are represented by a set of formulas and coefficients that produce the projections.

The Board estimates the effect of the severely adverse scenario on the regulatory capital ratios of firms by projecting revenues, expenses, and losses for each firm over a nine-quarter projection horizon (projection horizon). The projection horizon spans nine quarters to ensure that the firms can continue to provide credit and serve as financial intermediaries despite several quarters of adverse economic conditions, as well as to promote the forward-looking nature of capital planning by firms.

Projected net income, adjusted for the effect of taxes, is combined with assumptions regarding capital actions and other changes to regulatory capital to produce post-stress capital ratios. The Board's approach to modeling supervisory stress test results, including the calculation of post-stress capital ratios, is generally in alignment with U.S. GAAP and the regulatory capital framework.²⁹ However, the stress test models may deviate from U.S. GAAP and the regulatory capital framework, as circumstances warrant.

The Board established the Stress Testing Policy Statement modeling principles to ensure that the models are well suited for their purpose in the regulatory framework. In some cases, the Board's adherence to the principles limits modeling choices and results in certain common limitations across similarly constructed component

billion or more, or trading assets and liabilities equal to or greater than 10 percent of total consolidated assets. See 12 CFR 238.143(b)(2)(i); 12 CFR 252.54(b)(2)(i).

²² Under the Board's current stress test rules, the global market shock as-of date must occur between October 1 and March 1. See 12 CFR 238.143(b)(2)(i); 12 CFR 252.14(b)(2)(i); 12 CFR 252.54(b)(2)(i).

²³ The largest counterparty default component generally applies to all firms subject to the global market shock component, as well as firms with substantial processing and custodial operations.

²⁴ See, e.g., Board, *2018 Supervisory Stress Test Results* (Jun. 2018), <https://www.federalreserve.gov/publications/files/2018-dfast-methodology-results-20180621.pdf>.

²⁵ See 84 FR 6664 (Feb. 28, 2019).

²⁶ See 84 FR 6784 (Feb. 28, 2019).

²⁷ See 12 CFR 252, Appendix B.

²⁸ See, e.g., Board, *2025 Supervisory Stress Test Methodology* (Jun. 2025), <https://www.federalreserve.gov/publications/files/2025-june-supervisory-stress-test-methodology.pdf>.

²⁹ See generally 12 CFR part 217.

models. For instance, consistent with the principles of independence, consistency and comparability, and simplicity, models are not designed to capture all firm-specific nuances, future strategic initiatives, or planned capital actions. Additionally, models may be limited by their reliance on historic relationships and by the nature of the data captured in firms' regulatory reports. Detailed assumptions and limitations for the models are discussed in the comprehensive documentation, which is available at <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>.

Under the Stress Testing Policy Statement, the Board's projections also assume that a firm's balance sheet remains unchanged throughout the projection horizon.³⁰ This assumption

seeks to help ensure that a firm cannot "shrink to health" and that it remains sufficiently capitalized to accommodate credit demand in a severe downturn.

D. Stress Test Models

The Board's stress test models comprise twenty-one component models that, when aggregated, produce projected regulatory capital ratios for each firm (see Table 1 below). The models can be grouped into four categories: credit risk, market risk, net revenue, and aggregation. Credit risk models capture losses associated with retail and wholesale loans that are held at amortized cost. Market risk models capture losses associated with trading and counterparty exposures, securities, and other assets held at fair value. Net revenue models capture income and expenses, including those related to operational risk, earned or incurred by

a firm. Positive pre-provision net revenue offsets credit and market risk losses in the calculation of a firm's pre-tax net income. Aggregation models calculate a firm's pre-tax net income, which is then adjusted for other elements such as taxes and regulatory capital deductions to arrive at the projection of a firm's regulatory capital, which is used to calculate a firm's projected capital ratios. Additional detail about these component models is provided in Section III.A of this Supplementary Information and the comprehensive model documentation available at <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>.³¹

³¹ See also Board, *2025 Supervisory Stress Test Methodology* (Jun. 2025), <https://www.federalreserve.gov/publications/files/2025-june-supervisory-stress-test-methodology.pdf>.

³⁰ See 12 CFR 252, Appendix B, section 2.7.

Table 1: Summary of Stress Test Component Models

<u>Portfolio</u>	<u>Component Model</u>	<u>Description</u>
Credit Risk Models	1. Auto Model	Projects loan losses on domestic consumer loans held for investment at amortized cost that are extended for the purpose of purchasing new and used automobiles and light motor vehicles
	2. Credit Card Model	Projects loan losses on domestic credit card exposures to individuals that are held for investment at amortized cost
	3. First Lien Model	Projects loan losses on domestic first lien mortgages that are held for investment at amortized cost
	4. Home Equity Model	Projects loan losses on domestic home equity exposures that are held for investment at amortized cost
	5. Other Retail Model	Projects loan losses on loans in other retail loan categories that are held for investment at amortized cost
	6. Corporate Model	Projects losses on corporate loans and leases that are held for investment at amortized cost
	7. Commercial Real Estate Model	Projects losses on commercial real estate loans that are held for investment at amortized cost
Market Risk Models ¹	8. Securities Model	Projects losses on available-for-sale debt securities, held-to-maturity debt securities, and equity securities with readily determinable fair values not held for trading
	9. Fair Value Option Model	Projects gains and losses on loans subject to fair value accounting
	10. Yield Curve Model	Projects Treasury, Secured Overnight Financing Rate (SOFR), and corporate yields by maturity
	11. Private Equity	Projects losses on private equity investments
	12. Trading Issuer Default Loss Model	Projects losses resulting from defaults of trading book credit positions
	13. Trading Profit and Loss Model	Projects mark-to-market losses on trading positions in response to the global market shock component
	14. Credit Valuation Adjustment Model	Projects counterparty credit risk losses in the global market shock component
	15. Largest Counterparty Default Model	Projects losses from hypothetical default of largest counterparty

<u>Portfolio</u>	<u>Component Model</u>	<u>Description</u>
Net Revenue Models	16. Operational Risk Model	Projects operational losses (e.g., losses stemming from events such as fraud, computer system failures, process errors, and lawsuits)
	17. Pre-provision Net Revenue Model	Projects income from banking services, activities, and products, net of expenses related to the provision of these same services, activities, and products, and excluding loan loss provisions, operational losses, and net gains (losses) on sales of other real estate owned
Aggregation Models	18. Balances Model	Produces flat-balance sheet input data
	19. Retained Earnings Model	Projects retained earnings by combining supervisory projections of pre-tax net income, tax, and capital distribution items
	20. Provisions Model	Projects credit loss provisions and allowances by combining supervisory projections of loan, lease, and securities credit losses
	21. Capital Model	Projects change in regulatory capital and risk-weighted assets

E. Summary of the Proposal

The Board is publishing comprehensive documentation on the stress test models on the Board's website, at <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>. This model documentation contains information on the models that together produce the results of the supervisory stress test. The model documentation includes the equations, variables, and coefficients used in each model (where applicable); assumptions and limitations of each model; rationales for modeling decisions; and discussions of alternative models. Section VIII.A of this Supplementary Information summarizes changes to the models, relative to the 2025 stress test, that the Board plans to implement in the 2026 stress test cycle; section VIII.B of this Supplementary Information contains an analysis of the potential effects of these proposed model changes. Detailed documentation on these changes is also provided on the Board's website, at <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>. As part of this proposal, the Board is inviting public comment on the stress test models and these changes.

In addition, the Board is proposing to codify an enhanced disclosure process that would build on the previous efforts that the Board has made to increase the transparency and public accountability of the supervisory stress test. Under this enhanced disclosure process, the Board would annually publish comprehensive model documentation on the stress test models, invite public comment on any material changes that the Board seeks to make to those models, and annually publish the stress test scenarios for comment. The Board would also commit to responding to substantive public comments on any material model changes before implementing them. The proposal would revise the Stress Testing Policy Statement to align with this enhanced disclosure process, as well as to amend the Board's general policy related to disclosing additional information directly to a firm about that firm's supervisory stress test results. To accommodate the annual comment process on the scenarios, the proposal would shift the jump-off date of the supervisory and company-run stress tests from December 31 to September 30.

Additionally, this proposal would amend the Scenario Design Policy Statement in several ways. The Board would include in the Scenario Design Policy Statement detailed descriptions of additional guides that are used to inform the Board's choice of the values of the scenario variables along their

scenario paths. The guides are designed to balance the competing objectives of predictability and transparency, on the one hand, with the severity and relevance of the macroeconomic and financial market scenarios, on the other hand. Most of the proposed guides also incorporate features similar to the range of options in the existing unemployment guide or the automatic adjustment of the house price path to current housing market conditions in the existing house price guide. This approach would allow the Board to continue to adjust the severity of those variables as necessary to avoid inducing greater procyclicality in the financial system and macroeconomy.

Similarly, the Board is proposing to incorporate additional information into the Scenario Design Policy Statement about the framework used to create the global market shock component of the severely adverse scenario. This information includes, but is not limited to, details on the logic underlying the severity of the shocks and a description of the processes used to generate the shock values. The Board is also proposing to update the global market shock methodology to simplify the scenario and better align certain elements of the global market shock with the nature of an "instantaneous" shock. The proposal would also make revisions to the stress test rules to improve the risk capture of the supervisory stress test by widening the

³² The Trading Issuer Default Loss Model, Trading Profit and Loss Model, Credit Valuation Adjustment Model, and Largest Counterparty Default Model apply only to a subset of firms. See Section II.B of this Supplementary Information.

as-of date window for the global market shock.

Finally, the proposal would make changes to the FR Y-14A/Q/M reports to remove items and documentation requirements that are no longer needed to conduct the supervisory stress test, as well as to collect additional data to improve risk capture.

F. Purpose of the Proposal

The purpose of this proposal is to provide the public with more information about the stress test models and scenarios and to help ensure that the public has an opportunity to comment on the models and scenarios. While the Board has increased the transparency of the stress test models over time, disclosing additional information about the stress test models and their underlying methodologies will further increase transparency and improve public accountability.

Publishing detailed descriptions of the stress test models for comment, as well as committing to future enhanced disclosures, has benefits. First, the increase in transparency would increase public accountability and instill confidence in the fairness of the supervisory stress tests. Second, the disclosure process would create a new mechanism for obtaining feedback from the public, including academics, financial analysts, and firms, on the design and specifications of the models, which should lead to model improvements. Third, a firm would have a better sense of how its risk profile would factor into its stress capital buffer requirement, which would reduce the likelihood of unanticipated stress test results and allow for better capital and business planning by firms. Finally, the public disclosure of additional information about supervisory stress tests should strengthen market discipline, because investors, counterparties, and rating agencies would be able to better assess a firm's risk profile.³³ The costs and benefits of this proposal are described more thoroughly in Section X of this Supplementary Information.

With respect to the proposed amendments to the Scenario Design Policy Statement, this proposal also builds on the contents of the current Scenario Design Policy Statement and would amend it to provide additional transparency, public accountability, and

predictability in the variable paths. The changes would support the Board in developing scenarios, inviting comment on those scenarios, incorporating input from commenters, and maintaining the current schedule for release of the final scenarios. Despite the increased predictability in the scenarios, the new framework would remain flexible enough to suitably assess whether firms can maintain an adequate amount of loss-absorbing capital to stay above minimum regulatory requirements and continue financial intermediation during periods of stress, as well as adjust features that might add to existing procyclicality in the financial system, as appropriate. In practice, the scenarios resulting from the revised framework are expected to remain consistent with the current Scenario Design Policy Statement and should not result, on average over a typical business cycle, in materially different scenarios than would have been designed previously.

Additionally, the proposal would simplify the design of the global market shock component and incorporate additional information on the development process into the Scenario Design Policy Statement, which outlines the Board's approaches to designing market shocks, including important considerations for scenario design, possible approaches to developing scenarios, and a development strategy for implementing the preferred approach. Taken together, these changes would improve transparency, public accountability, and predictability of the supervisory scenarios, while ensuring the supervisory stress test's ability to capture changes in the risks in the financial industry over time.

III. Overview of the Stress Test Modeling Framework

As summarized in Section II.D of this Supplementary Information, the Board estimates the effect of the scenarios on the regulatory capital ratios of firms participating in the stress test by projecting net income and other components of regulatory capital for each firm over a nine-quarter projection horizon. To do so, the Board uses twenty-one component models, the macroeconomic variables from the Board's severely adverse scenario, and firm data. This section provides an overview of the component models the Board used to run the 2025 supervisory stress test. See Table 1 in Section II.D of this Supplementary Information.

A. Supervisory Stress Test Models

The Board calculates projected pre-tax net income by combining projections of

pre-provision net revenue,³⁴ provisions for credit losses,³⁵ and other gains or losses.³⁶ Each component of pre-tax net income is described below.

Pre-Provision Net Revenue

Pre-provision net revenue is defined as net interest income (interest income minus interest expense) plus noninterest income minus noninterest expense. Consistent with U.S. GAAP, these projections include projected losses due to operational risk events and expenses related to the disposition of other real estate owned.³⁷ The Board projects most components of pre-provision net revenue using models that relate specific revenue and non-provision-related expenses to the characteristics of firms and to macroeconomic variables. These include eight components of interest income, seven components of interest expense, six components of noninterest income, and three components of noninterest expense. The Board separately projects losses from operational risk and other real estate owned expenses. Operational risk is defined as "the risk of loss resulting from inadequate or failed internal processes, people and systems or from external events."³⁸ Other real estate owned expenses are expenses related to the disposition of real estate owned properties and stem from losses on first-lien mortgages.

Loan Losses and Provisions on Loans Measured at Amortized Cost

The Board typically projects losses using one of two modeling approaches: the expected-loss approach or the net charge-off approach. Generally, under the expected loss approach, expected losses are estimated by projecting the probability of default, loss given default, and exposure at default for each quarter of the projection horizon. Expected losses in each quarter are the product of these three components. Under the net

³⁴ Pre-provision net revenue includes, among other items, income from mortgage servicing rights, losses from operational risk events, and other real estate owned costs.

³⁵ For firms that have adopted Accounting Standards Update (ASU) 2016-13, the Federal Reserve incorporates its projection of expected credit losses on securities in the allowance for credit losses, in accordance with Financial Accounting Standards Board (FASB), Financial Instruments—Credit Losses (Topic 326). See FASB ASU No. 2016-13, "Financial Instruments—Credit Losses (Topic 326): Measurement of Credit Losses on Financial Instruments."

³⁶ Other gains or losses include losses on held-for-sale loans, loans measured under the fair-value option, and loan hedges.

³⁷ However, pre-provision net revenue projections do not include debt valuation adjustments, which are not included in regulatory capital.

³⁸ 12 CFR 217.101 "Operational risk."

³³ See, e.g., N. Gambetta, M.A. García-Benau, & A. Zorio-Grima, *Stress test impact and bank risk profile: Evidence from macro stress testing in Europe*, 61 Intl. Rev. of Econ. & Fin 347-54 (2019); I. Goldstein & Y. Leitner, "Stress test disclosure: theory, practice, and new perspectives," *Handbook of Financial Stress Testing* 208-223 (2022).

charge-off approach, losses are projected using historical behavior of net charge-offs as a function of macroeconomic and financial market conditions and loan portfolio characteristics.³⁹

The Board estimates losses for loans measured at amortized cost separately for different categories of loans, based on the type of obligor, collateral, and loan structure. The individual loan types modeled can broadly be divided into (1) retail loans, including various types of residential mortgages, credit cards, student loans, auto loans, small business loans, and other consumer loans; and (2) wholesale loans, such as commercial and industrial loans and commercial real estate loans. For most loan types, losses in quarter t are estimated as the product of the projected probability of default in quarter t , the loss given default in quarter t , and exposure at default in quarter t .

The probability of default component measures the likelihood that a borrower enters default status during a given quarter t . The other two components capture the lender's net loss on the loan if the borrower enters default. The loss given default component measures the percentage of the loan balance that the lender will not be able to recover after the borrower enters default, and the exposure at default component measures the total expected outstanding loan balance at the time of default.⁴⁰

The Board's definition of default, for stress test modeling purposes, may vary for different types of loans and may differ from general industry definitions or classifications. The Board generally models probability of default as a function of loan characteristics and economic conditions. The Board typically models loss given default based on historical data, and modeling approaches vary for different types of loans. For certain loan types, the Board models loss given default as a function of borrower, collateral, or loan characteristics and the macroeconomic variables from the supervisory scenarios. For other loan types, the Board assumes loss given default is a fixed percentage of the loan balance for all loans in a category. The approach to modeling exposure at default also varies by loan type and depends on whether the loan is a term loan or a line of credit.

³⁹ Entire loans or portions of loans may be charged off if a firm believes that the loan will not be repaid. If an amount that is charged off is ultimately repaid by the borrower, then that repaid amount is added to a firm's income as a recovery. Net charge-offs are total charge-offs less any recoveries.

⁴⁰ When applicable, loan loss models may factor in shared-loss agreements with the Federal Deposit Insurance Corporation.

For certain retail loan categories, projections capture the historical behavior of net charge-offs as a function of macroeconomic and financial market conditions and loan portfolio characteristics. The Board then uses these stress test models to project future charge-offs consistent with the evolution of macroeconomic conditions under the severely adverse scenario. To project losses, the projected net charge-off rate is applied to projected loan balances.

Losses on loans are then projected to flow into net income through provisions for loan and lease losses (for simplicity, provisions for loan losses). Provisions for loan losses reflect funds set aside to cover loan losses that a firm expects to incur in a predetermined future window. Provisions for loan losses feed into the allowance for loan losses, which serves as a contra asset on a firm's balance sheet. The charged-off amount of a loan reduces the outstanding balance of the loan while also reducing the allowance for loan losses (that is, charge-offs do not reduce a firm's total assets). Generally, provisions for loan losses for each projected quarter in the supervisory stress test equal projected losses on loans for the quarter plus the change in the allowance for loan losses needed to cover the subsequent four quarters of expected loan losses. This calculation incorporates the allowance for loan losses established by the firm as of the jump-off date of the stress test exercise.

Current Expected Credit Losses Framework

On January 1, 2020, most large and mid-sized U.S. banks adopted the Current Expected Credit Losses (CECL) standard for calculating allowances.⁴¹ CECL superseded the incurred loss accounting standard, which was a backward-looking measure that enabled firms to calculate allowances based on historical loss data and current economic conditions. CECL, by contrast, is a forward-looking measure that requires firms to estimate lifetime losses based on reasonable estimates of future economic conditions. In October 2024, the Board announced that it would continue to evaluate future enhancements to the supervisory stress test approach for the incorporation of CECL.⁴²

⁴¹ See FASB ASU No. 2016–13, “Financial Instruments—Credit Losses (Topic 326): Measurement of Credit Losses on Financial Instruments.”

⁴² See Q(DST0030) (Oct. 9, 2024) and Q(DST0029) (Dec. 15, 2023), <https://www.federalreserve.gov/publications/ccar-qas/comprehensive-capital-analysis-and-review-questions-and-answers.htm>.

The Board is not proposing to implement CECL into the supervisory stress testing framework as a part of this proposal. The allowance calculation framework currently used in the supervisory stress test is already forward-looking: it projects loan loss provisions four quarters ahead. This approach aligns with the Board's modeling principle of simplicity as it requires fewer assumptions than would be required to determine provisions under CECL. In addition, in aggregate, the cumulative loan loss provisions under the supervisory severely adverse scenario are similar to provision projections submitted by the firms that have adopted CECL. Should the Board decide to implement CECL into the supervisory stress testing framework, it would seek public comment prior to implementation, as it would likely be a material model change as defined in this proposal.

Question 2: What factors should the Board consider when determining whether to implement CECL into the supervisory stress testing framework and why?

Question 3: What would be the advantages and disadvantages of incorporating CECL into the supervisory stress testing framework?

Losses on Loans Measured on a Fair Value Basis

Certain loans are accounted for on a fair value basis instead of on an amortized cost basis. If a loan is accounted for using the fair value option, it is marked to market, and the accounting value of the loan changes as a function of changes in market risk factors and fundamentals. Similarly, loans that are held for sale are accounted for at the lower of cost or market value. The stress test models for these asset classes project gains and losses over the nine-quarter projection horizon, net of any hedges, using the scenario-specific path of interest rates and credit spreads. The Board uses different models to estimate gains and losses on wholesale loans and retail loans that are accounted for on a fair value basis since these loans have different risk characteristics. However, these models all generally project gains and losses over the nine-quarter projection horizon, net of hedges, by applying the scenario-specific interest rate and credit spread shocks to loan yields.

Losses on Securities

A firm's balance sheet typically contains holdings of two types of securities related to investment activities: available-for-sale and held-to-

maturity. Available-for-sale and held-to-maturity securities are generally held at fair value and amortized cost, respectively, on a firm's balance sheet. The Board estimates two types of losses on securities related to investment activities.⁴³

For debt securities classified as available-for-sale, projected fluctuations in the fair value of the securities due to changes in interest rates and other factors will result in unrealized gains or losses that are recognized in capital for some firms through other comprehensive income. Under U.S. GAAP, unrealized gains and losses on available-for-sale debt securities are reflected in accumulated other comprehensive income and do not flow through net income.⁴⁴ Under the regulatory capital rule, accumulated other comprehensive income must be incorporated into common equity tier 1 capital for certain firms. Unrealized gains and losses are calculated as the difference between each security's fair value and its amortized cost. The amortized cost of each available-for-sale debt security is equivalent to the purchase price of the debt security, which is periodically adjusted if the debt security was purchased at a price other than par or face value, has a principal repayment, or has an impairment recognized in earnings.⁴⁵

Credit losses on available-for-sale and held-to-maturity securities may be also recorded. Except for certain government-backed obligations, both available-for-sale and held-to-maturity securities are at risk of incurring credit losses.⁴⁶ The stress test models project security-level credit losses, using as an input the projected fair value for each security over the nine-quarter projection horizon under the severely adverse scenario. Credit losses on securities are included in the projection of provisions.

Projected other comprehensive income gains or losses from available-for-sale debt securities are computed directly from the projected change in fair value, taking into account credit losses and applicable interest-rate hedges on securities. All debt securities held in the available-for-sale portfolio are subject to other comprehensive income losses.

Losses on Private Equity Exposures

The Board projects the value of private equity investments in response to the severely adverse scenario of the supervisory stress test.⁴⁷ The Private Equity Model assigns losses and recoveries based on changes in fair value, recognized in net income for all positions, regardless of their individual accounting elections. While U.S. GAAP allows for private equity to be carried under a variety of accounting measures, the different accounting methods are generally not reflective of fundamental risk differences—fair value is typically realized upon the orderly sale of a given private equity investment, irrespective of its accounting treatment during the holding period.⁴⁸

Losses on Trading Exposures

The trading stress test models cover a wide range of a firm's exposure to asset classes such as public equity, foreign exchange, interest rates, commodities, securitized products, traded credit (for example, municipal securities, auction rate securities, corporate credit, and sovereign credit), and other fair-value assets. Loss projections are constructed by applying the market risk factor movements specified in the global market shock component⁴⁹ to market values of firm-provided positions and risk factor sensitivities.⁵⁰ The global market shock only applies to a subset of firms, as described in Section II.B.a of this Supplementary Information. In

addition, the global market shock component is applied to firm counterparty exposures to generate losses due to changes in credit valuation adjustment, which is a change to the market value of an exposure (for example, a derivative) to account for the risk that the counterparty defaults on its obligation. Trading and credit valuation adjustment losses are calculated only for firms subject to the global market shock component. In contrast to the nine-quarter evolution of losses for other parts of the supervisory stress test, and as previously described, these losses are estimated and applied in the first quarter of the projection horizon. This timing is based on the observation that market dislocations can happen rapidly and unpredictably any time under stress conditions. It also ensures that potential losses from trading and counterparty exposures are incorporated into a firm's capital ratio at all points in the projection horizon.

The Board separately estimates the risk of losses arising from the default of issuers of debt securities held for trading. These losses account for concentration risk in corporate, sovereign, agency, and municipal credit positions. In contrast to the trading losses described above, these losses are applied in each of the nine quarters of the projection horizon to capture the risk that several quarters of stressful economic conditions may cause additional issuers of debt securities to default, which aligns with the Board's principle of conservatism from the Stress Testing Policy Statement.

Largest Counterparty Default Losses

The largest counterparty default component is applied to firms with substantial trading or custodial operations. This component captures the risk of loss due to the unexpected default of the counterparty whose default on derivatives and securities financing transactions, with exposures revalued by applying the global market shock component, would generate the largest stressed losses for a firm. Consistent with the Board's modeling principles and with the losses associated with the global market shock component, losses associated with the largest counterparty default component are recognized in the first quarter of the projection horizon.

Balance Projections and the Calculation of Regulatory Capital Ratios

As described above, the Board assumes that a firm takes actions to maintain its current level of assets, including its investment securities, trading assets, and loans, over the

⁴³ This portfolio does not include securities held for trading. Losses on these securities are projected by the Trading Profit and Loss Model that projects gains and losses on trading exposures.

⁴⁴ Unrealized gains and losses on equity securities are recognized in net income and affect regulatory capital for all firms. See FASB ASU No. 2016-01, "Financial Instruments—Overall (Subtopic 825-10): Recognition and Measurement of Financial Assets and Financial Liabilities."

⁴⁵ The fair value of each available-for-sale security is projected over the nine quarter projection horizon using either a present value calculation, a full revaluation using a security-specific discounted cash flow model, or a duration-based approach, depending on the asset class.

⁴⁶ Certain government-backed securities, such as U.S. Treasuries, U.S. government agency obligations, U.S. government agency or government-sponsored enterprise mortgage-backed securities, federally backed student loan asset-backed securities, and pre-refunded municipal bonds, are assumed not to be subject to credit losses.

⁴⁷ The Board projects private equity losses only for firms that are required to submit FR Y-14Q, Schedule F.24 (Private Equity) because private equity exposures are reported on that schedule. Currently, Schedule F.24 is required to be reported by firms subject to Category I through III standards that have, on average, aggregate trading assets and liabilities of \$50 billion or more, or aggregate trading assets and liabilities equal to 10 percent or more of total consolidated assets. As discussed in Section XI.A of this Supplementary Information, the Board is proposing to modify the threshold for Schedule F.24 to align with other banking book schedules.

⁴⁸ Unlike a bond or loan, private equity investments generally cannot be redeemed by holding to maturity and are therefore fundamentally exposed to market risk at exit.

⁴⁹ See Section II.B.a of this Supplementary Information.

⁵⁰ The supervisory trading models are also used to calculate gains or losses on firms' portfolios of hedges on credit valuation adjustment exposures.

projection horizon. The Board also assumes that a firm's risk-weighted assets and leverage ratio denominators remain unchanged over the projection horizon, except that the Board will account for changes primarily related to the calculation of regulatory capital or due to changes to the Board's regulations.⁵¹

The Board includes five regulatory capital ratios in the supervisory stress test: (1) common equity tier 1 risk-based capital, (2) tier 1 risk-based capital, (3) total risk-based capital, (4) tier 1 leverage, and (5) supplementary leverage. A firm's post-stress regulatory capital ratios are projected in accordance with the Board's regulatory capital rule using the Board's projections of pre-tax net income and other scenario-dependent components of the regulatory capital ratios. Pre-tax net income and the other scenario-dependent components of the regulatory capital ratios are combined with additional information, including assumptions about taxes and capital distributions, to project post-stress measures of regulatory capital. In those calculations, the Board adjusts pre-tax net income to account for taxes and other components of net income, such as income attributable to minority interests, to arrive at after-tax net income. The Board calculates the change in equity capital over the projection horizon by combining projected after-tax net income with changes in other comprehensive income, assumed capital distributions, and other components of equity capital. The path of regulatory capital measures over the projection horizon is calculated by combining the projected change in equity capital with the firm's starting capital position and accounting for other adjustments to regulatory capital specified in the Board's regulatory capital framework.⁵² The denominator of each firm's risk-based capital ratios is based on a firm's standardized approach for calculating risk-weighted assets on the jump-off date of the supervisory stress test, and may change for each quarter of the projection horizon to account for adjustments specified in the capital rule (for example, adjustments due to the thresholds for deducting certain deferred tax assets).

B. Supervisory Stress Test Scenarios

The Board conducts the supervisory stress test using two scenarios—the baseline and severely adverse. The severely adverse scenario describes a hypothetical set of conditions designed to assess the strength and resilience of firms in a severely adverse economic environment and includes 28 variables that are disclosed by the Board each year prior to the supervisory stress test. Some variables describe economic developments within the United States while others describe developments in foreign countries.⁵³ These variables serve as an input to the calculation of supervisory stress test results for all firms. As discussed above, for a subset of firms, the severely adverse scenario also includes two additional components: the global market shock component and the largest counterparty default component. The scenarios and associated components are developed solely for supervisory stress testing purposes and do not represent economic forecasts of the Board.

Geographic Variation of Macroeconomic Variables

While the Board projects the paths of macroeconomic variables at the national level, the Board uses regional-level (that is, state- and/or county-level) macroeconomic variables in the stress test models to project losses on certain loans held for investment at amortized cost.⁵⁴ In general, model outputs are demonstrably impacted by the macroeconomic environment, as both probability of default and loss given default increase during periods of economic stress. Importantly, the macroeconomic environment can also vary notably across geography, in addition to across time. For instance, during the 2007–2009 crisis period, housing prices fell more sharply in certain geographies compared to others. Accordingly, historical loss rates in many loan categories were higher during this period in geographies where housing prices fell more sharply.

Therefore, to account for the impacts of different macroeconomic environments across geographies on historical loan performance, the Board calibrates model parameters in certain stress test models using regional

macroeconomic variables as opposed to national macroeconomic variables. For example, the unemployment rate used in an applicable model may be the state level unemployment rate, while the house price index values used in the model may be the county-level house price indices or, in the case of loans in counties where a house price index is not projected, a state-level house price index.⁵⁵ Analysis performed by the Board demonstrates that a certain model's statistical fit and sensitivity to the macroeconomic environment may perform better when using regional-level variables compared to when using only national-level variables. The use of regional-level variables is described in each applicable model section of the comprehensive model documentation.

However, because the severely adverse scenario only includes national-level variable paths, the Board derives the paths of regional-level variables from the paths of national-level variables. The Board employs a simple approach to calculating the paths of regional-level variables in that these variables have the same percentage change (in the case of an index variable) or level change (in the case of non-index variables) as the national-level variables, but the starting points are the regional-level values, not the national-level values. For example, the projected path of the house price index is assumed to have the same percentage change in a given quarter as the percentage change of the national house price index,⁵⁶ and the projected path of unemployment rate is assumed to have the same level change in a given quarter as the level change of the national unemployment rate.⁵⁷ The use of percentage changes for home price indices and level changes for unemployment rates avoids accentuating differences in the macroeconomic environment observed immediately prior to the beginning of the scenario, which could lead to large discrepancies in projected variable paths across geographies during the severely adverse scenario.

These simple, uniform policies for allocating changes to the national

⁵¹ See 12 CFR 252, Appendix B, section 3.4; Board, Press Release (Mar. 4, 2020), <https://www.federalreserve.gov/newsevents/pressreleases/bcreg20200304a.htm>.

⁵² The regulatory capital framework specifies that regulatory capital ratios account for items subject to adjustment or deduction in regulatory capital, limits the recognition of certain assets that are less loss-absorbing, and imposes other restrictions. See generally 12 CFR part 217.

⁵³ For a description of the macroeconomic variables applicable to the 2025 supervisory stress test, see Board, *2025 Stress Test Scenarios* (Feb. 2025), <https://www.federalreserve.gov/publications/files/2025-stress-test-scenarios-20250205.pdf>.

⁵⁴ Specifically, the Board uses regional-level macroeconomic variables in the First Lien Model, the Home Equity Model, the Credit Card Model, the Auto Model, and the Commercial Real Estate Model.

⁵⁵ Certain variables do not vary based on geography. For example, interest rates are typically set by national and not regional markets. For these variables, the Board uses the national-level paths in the models.

⁵⁶ The house price index used in the supervisory stress test scenarios is set to be equal to 100 in January 2000. This choice of index month is arbitrary and does not reflect any underlying economic importance of this period.

⁵⁷ For example, if the national unemployment rate increases by 0.5 percentage points in a given quarter, the state-level unemployment rate would be projected to increase by 0.5 percentage points in that quarter as well.

macroeconomic environment at the regional level ensure that loans to borrowers in certain geographies are not unduly favored or penalized. While it is plausible that certain geographies may experience more volatility than others in terms of the macroeconomic environment, the Board does not estimate such volatility to differentiate scenarios across geography, to avoid making assumptions about the severity of a hypothetical recession across different regions.

The Board also uses historical regional data to produce model projections. While the regional scenarios are projected based on the national path, the Board retains variation in the historical regional macroeconomic variables.⁵⁸ The Board may also use historical regional macroeconomic variables in the models to calculate the appreciation in house prices since origination (which may be needed to calculate loan-to-value ratios), or the Board may use regional macroeconomic variables to calculate year-over-year changes in the variables. Alternatively, the Board could replace all historical values with their national equivalent when projecting losses, thus applying a truly uniform treatment across geographies. While this alternative would have the benefit of maximizing geographic consistency, it would ignore meaningful variation in the historical environment and thereby reduce the predictive power of the model. For instance, if a given geography has had higher house price appreciation since its origination date compared to the national average, without incorporating these historical values into the macroeconomic data used to project losses the model would understate the level of equity the borrower has as of the beginning of the projection period. The Board has therefore developed this hybrid approach to estimating losses in the supervisory stress test, in which it applies a uniform treatment to projected values of macroeconomic variables across geographies, while also retaining historical differences across geographies. This methodology allows for the incorporation of all available historical data needed to produce

accurate projections, while avoiding the need to make assumptions about which geographies will have more or less severe macroeconomic paths during a hypothetical recession. Further discussion of how the Board's models account for geographic variation in variables, including a proposed change to the Board's modeling approach, is included in the comprehensive model documentation, available at <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>.

Question 4: What are the advantages and disadvantages of the Board's treatment of regional (i.e., state and county) macroeconomic variables in the credit risk models?

Question 5: What alternatives should the Board consider to the approach outlined above for defining state and county macroeconomic variables based on the national variables included in the scenarios? What would be the advantages and disadvantages of these alternatives?

Auxiliary Variables

In addition to the 28 variables that the Board discloses each year, the Board also generates paths for a limited number of other variables that are used in the supervisory stress test. These variables, known as auxiliary variables, are not disclosed by the Board because their paths are based on the paths of the 28 disclosed variables (that is, the paths are contingent upon movements in the 28 disclosed variables). For example, the path of Mexico's gross domestic product (GDP) growth rate is a function of the GDP growth rate paths of other country blocs that are disclosed. Some models use these auxiliary variables, as described in the applicable model sections of the comprehensive model documentation available at <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>.⁵⁹

C. Data Used in Stress Testing

Input Data

The Board generally develops and implements the models with data it collects on regulatory reports as well as proprietary third-party industry data. Most of the data used in the supervisory stress test projections are collected through the Capital Assessments and Stress Testing regulatory report (FR Y–14), which includes a set of annual (FR Y–14A), quarterly (FRY–14Q), and monthly (FRY–14M) schedules.⁶⁰

⁵⁹ Detailed descriptions of the process for creating the paths of auxiliary variables are included in the applicable model documentation.

⁶⁰ The FR Y–14 report forms and instructions are available on the Board's website at <https://www.federalreserve.gov/apps/reportforms/default.aspx>.

A firm must submit detailed loan and securities information for all material portfolios on the FR Y–14Q and FR Y–14M. The definition of a material portfolio for purposes of FR Y–14 reporting is based on a firm's size and complexity.⁶¹ Portfolio categories are defined in the FR Y–14M and FR Y–14Q reporting instructions. Each firm has the option to submit the relevant data schedule for a given portfolio that does not meet the materiality threshold as defined in the instructions. If a firm does not submit data on its immaterial portfolio(s), the Board will assign to that portfolio the median loss rate estimated across the set of firms with material portfolios. This loss assumption adheres to the principle of simplicity, as well as the principle of consistency and comparability, from the Stress Testing Policy Statement.

While each firm is responsible for ensuring the completeness and accuracy of data provided in the FR Y–14 reports, the Board makes efforts to validate firm-reported data and requests resubmissions of data where errors are identified. If data quality remains deficient after resubmission, the Board applies conservative assumptions to a particular portfolio or to specific data, depending on the severity of deficiencies. For example, if the Board deems the quality of a firm's submitted data too deficient to produce a stress test model estimate for a particular portfolio, then the Board assigns a high loss rate (for example, 90th percentile) or a conservative pre-provision net revenue rate (for example, 10th percentile) to the portfolio balances based on supervisory stress test projections of portfolio losses or pre-provision net revenue for other firms.⁶² If data that are direct inputs to stress test models are missing or reported erroneously but the problem is isolated in such a way that the existing supervisory framework can still be used, the Board assigns a conservative value (for example, 10th or 90th percentile) to the specific data based on all available data reported by firms. These assumptions are consistent with the Board's principle of conservatism and policies on the treatment of immaterial portfolios and missing or erroneous

⁶¹ Specifically, the definition of a material portfolio varies depending upon a firm's categorization in the risk-based category framework adopted by the Board for determining prudential standards. See 12 CFR 238.10; 12 CFR 252.5.

⁶² Prior to assigning a conservative loss or revenue rate to produce a firm's stress test results, the Board consults with a firm that submits deficient data in order to determine whether the applicable data issue can be remedied.

⁵⁸ The historical regional unemployment rate and house price index data are seasonally adjusted using the X11 procedure when a seasonally adjusted version of these series is not available from the source data. Seasonal adjustment is applied for consistency and comparability with the published national scenario variables. For more information about the X11 procedure developed by the U.S. Census Bureau, see Shiskin J., Young A., and Musgrave, J., 1967. The X–11 Variant of the Census Method II Seasonal Adjustment Program. U.S. Department of Commerce, Bureau of the Census.

data, as described in the Stress Testing Policy Statement.

Additionally, certain stress test model projections rely on data from the Consolidated Financial Statements for Holding Companies regulatory report (FR Y–9C), which contains consolidated income statement and balance sheet information for each firm subject to the stress test. The FR Y–9C also includes off-balance sheet items and other supporting schedules, such as the components of risk-weighted assets and regulatory capital, that may be used in the stress test models.

In limited circumstances, the Board also uses data provided by third parties in the development and execution of the supervisory stress test. The comprehensive model documentation identifies these instances. The scenario data discussed above is also an input into the stress test projections.

Data Preparation and Adjustments

a. Data Preparation

The data inputs the Board uses may not be initially suitable for use in the stress test models. In these cases, the Board takes several steps to prepare the data for use in the stress test models. The specific steps for each model are discussed in the applicable model descriptions within the comprehensive model documentation, though generally data are prepared for use in the models for two purposes: to remove outliers from the sample and to seasonally adjust the data. These adjustments help ensure that the model results are reasonable.

The Board may remove outliers or data that are not applicable to the model from the sample to facilitate more usable results. For example, if a commercial real estate loan has a unusually high loan-to-value (LTV) ratio (over 150 percent at origination), then data for that loan are not included in the Commercial Real Estate Model because its inclusion may produce unreliable results. Additionally, if first lien mortgages are insured by the Federal Housing Administration or Department of Veterans Affairs, then they are excluded from the First Lien Model because these loans would not generate losses in the supervisory stress test, as they are assumed to be fully insured by the U.S. government. In both examples, the model output is more sensible and more reflective of a firm's risk profile because of these adjustments.

The Board also may seasonally adjust data, where appropriate. For example, the vacancy rate of hotel commercial real estate exposures may fluctuate on a seasonal cycle, with the vacancy rate

moving higher or lower in certain months based on a somewhat predictable pattern. Because the vacancy rate can be an important variable for calculating losses on hotel commercial real estate loans, this rate is seasonally adjusted to ensure that the Commercial Real Estate Model produces more stable results.

These types of data preparation steps help ensure that the Board's models produce more reasonable results and that they align with the principles in the Stress Testing Policy Statement in that they generate consistent and robust projections. The Board therefore expects to continue to use these data preparation steps, where appropriate, as they are integral to the supervisory stress test process.

b. Data Adjustments

Data inputs are integral to generating the output of the stress test models, which is a key component of a firm's stress capital buffer requirement. The Board's Stress Testing Policy Statement notes that the Board does not use data submitted by one or some of the firms unless comparable data can be collected from all the firms that have material exposure in a given area when generating supervisory stress test projections.⁶³ However, situations may arise where adjustments to a firm's data would make the results more reasonable, and therefore better calibrate a firm's stress capital buffer requirement to its risk profile. The Board expects to continue to make these adjustments going forward, where appropriate. Examples of when the Board may apply these adjustments are described below.

For example, the Board may apply a data adjustment where there is missing or deficient firm-provided data, or where a firm uses divestiture accounting. As described above, if the Board deems the quality of a firm's submitted data too deficient to produce a stress test model estimate for a particular portfolio, then the Board assigns a conservative loss rate (for example, 90th percentile) or a conservative pre-provision net revenue rate (for example, 10th percentile) to the portfolio balances based on supervisory stress test projections of portfolio losses or pre-provision net revenue for other firms. If data that are direct inputs to stress test models are missing or reported erroneously but the problem is isolated in such a way that the existing supervisory framework can still be used, the Board assigns a conservative value to the specific data based on all available data reported by firms.

Additionally, when a firm sells assets or businesses, it may use divestiture accounting in its financial statements until the sale is consummated. Under divestiture accounting, a firm may list divested assets as discontinued operations, classify them as held for sale or available for sale instead of held for investment or held to maturity, and report revenues as income from discontinued operations. The accounting classification can be important for the supervisory stress test as it may determine which model stresses the assets or income. For example, in the 2025 supervisory stress test, the Board adjusted certain input data that had been reclassified due to divestiture accounting to improve projections of loan losses and related income to ensure consistent treatment across firms with similar risks.

IV. Enhanced Disclosure Process

The Board is proposing to codify an enhanced disclosure process under which the Board would annually publish comprehensive documentation on the stress test models, invite public comment on any material changes that the Board seeks to make to those models, and annually publish the stress test scenarios for comment.

A. Annual Disclosure of Models

Under the proposal, the Board would annually publish comprehensive documentation on the stress test models, similar to the comprehensive documentation the Board is publishing with this proposal at <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>. The Board would be required to publish this comprehensive documentation by May 15 of the year in which the stress test is performed, and the models described in the documentation would be used to produce the stress test results disclosed by the Board by June 30 of that year. In addition, the Board would seek public comment, and respond to such public comment, on any material changes to the models before implementing those changes in a stress test. Material model changes are discussed in more detail in Section IV.B of this Supplementary Information. To implement this enhanced disclosure process, the Board is proposing to revise Regulations YY and LL, as well as the Stress Testing Policy Statement.

For example, if the Board did not seek to make any material model changes to its stress test models for the 2027 supervisory stress test, then it would publish the comprehensive model documentation used in the 2027 stress test cycle by May 15, 2027. This

⁶³ See 12 CFR 252, Appendix B, section 2.8.

documentation would identify any changes (relative to the models used in the 2026 stress test), including technical, non-material changes to the models to improve performance. This process would allow the public to review the changes, as well as comprehensive documentation on the models used in the 2027 stress test cycle, before the release of the stress test results.

As an alternative example, if the Board sought to implement a material model change (as discussed in Section IV.B of this Supplementary Information) in the 2027 supervisory stress test, then the Board would seek comment on the proposed change, consider and respond to public feedback, and, then implement, defer, or reject the material model change for the 2027 stress test cycle. If the Board sought to implement the material model change in the 2027 stress test, the Board would republish updated model documentation before or simultaneously with the annual publication of comprehensive model documentation (*i.e.*, by May 15, 2027). This process for material model changes would increase the transparency of the Board's stress testing model framework and ensure that the public has the opportunity to comment on material model changes before they are used in the next stress test cycle.

Question 6: How else could the Board enhance the transparency and public accountability of its stress test models? For instance, what additional information regarding the stress test models, if any, should the Board provide, and why?

Question 7: How else could the Board facilitate public participation in model development? For example, the Board could invite comment on all model changes, rather than only material model changes, before implementing them in the stress test. Under such an approach, the Board could make an exception for technical or other types of ministerial changes. Such a process would limit the Board's flexibility to revise models due to unforeseen events and circumstances. What are the advantages and disadvantages of this expanded approach or other approaches to facilitate public participation in model development? How should the Board balance transparency and public accountability with model dynamism and operational burden?

Question 8: What are the advantages and disadvantages of inviting public comment, and committing to responding to comments, on material model changes before the Board

implements them in the subsequent stress test?

Question 9: What are the advantages and disadvantages of publishing the comprehensive model documentation by May 15 of each stress test cycle? For example, does this timeline provide enough time for the public to review any changes made by the Board to confirm they are not material? Should the Board consider publishing the comprehensive model documentation earlier at an earlier date, such as April 5, or a later date, such as June 30? What would be the advantages or disadvantages of publishing the comprehensive model documentation earlier or later?

Question 10: The Board is not currently publishing the results of its internal model validation process. What would be the advantages and disadvantages of publishing these results or providing more information about its internal model validation process?

B. Model Changes

The proposed rule would define a "model change" to mean "the introduction of a new model or a conceptual change to an existing model."⁶⁴ Conceptual changes to existing models would include changes to model assumptions, incorporation of a new statistical technique to estimate loss, or the addition or deletion of any model components or sub-components that currently inform a firm's stress capital buffer requirement.

Model changes would not include changes resulting from updates or adjustments to input data, such as firm data, third-party vendor data, and scenario data, including any re-estimation based on this data, as well as changes related to the mechanical implementation of federal, state, or local laws that are directly embedded in a stress test model (*e.g.*, the federal statutory tax rate).⁶⁵ As is current practice, the Board would continue to implement model changes related to changes in accounting definitions or regulatory capital rules and model parameter re-estimation based on newly

⁶⁴ As discussed in Section II.D of this Supplementary Information, there are twenty-one component models that comprise the stress test models. A "new model" would mean a model that fully replaces one of these twenty-one component models or is added to the modeling suite (*e.g.*, a 22nd component model). For purposes of assessing materiality, as discussed in Section IV.C of this Supplementary Information, model changes would not be aggregated or netted across the component models.

⁶⁵ Re-estimation comprises updates to model parameters based on consideration of different input data (*e.g.*, incorporating the most recent year's data as a model input, or incorporating data from new stress test entrants or from mergers).

available data with immediate effect. These types of adjustments would not be considered model changes since they do not substantively change the form of the stress test models as described in the documentation. For example, the Board re-estimates many of its models with updated data each year when it runs the supervisory stress test. This re-estimation may result in changes to the statistical coefficients produced by some of the models, even though the Board has made no conceptual changes to the models. Under the proposed definition of model change, such re-estimation would not be viewed as a model change because the resulting changes stem solely from updated data and not from a conceptual change to the models. In contrast, the introduction or revision of a legal requirement that causes a conceptual change to a model could be considered a model change, and the Board would seek public comment before implementing such a change if it met the proposed definition of a material model change.

Question 11: What other types of changes to the supervisory stress testing framework could the Board consider including in the definition of "model change"? What are the advantages and disadvantages of broadening or narrowing the definition of "model change"? For example, should the Board define "model changes" to include changes that result from new or updated input data, or changes that result from using a new, third-party data source?

C. Material Model Changes

Each year, the Board refines and enhances its stress test models to reflect advances in modeling techniques, respond to model validation findings, incorporate richer and more detailed data, or identify more stable models or models with improved performance, particularly under stressful economic conditions. These changes may include re-specification of models based on performance testing, benchmarking, and other targeted changes used to produce projections.⁶⁶ This process is an important aspect of the modeling framework to help ensure that the stress test models capture changes in borrower and lender behavior and bank business practices. These model changes also help ensure that the models are able to remain dynamic (*i.e.*, can be enhanced to capture emerging risks), produce

⁶⁶ Benchmarking is the process of evaluating a model's performance by comparing its outputs and other performance metrics against a specific standard, baseline, or the output and performance of other comparable models or relevant data sources.

reasonable results, identify salient risks at firms, and maintain an optimal level of robustness and stability.

In addition, the Board must sometimes make changes to its stress test models while it is running the stress test in response to unforeseen events or circumstances to ensure that model output is reasonable. For example, during the COVID-19 pandemic, the vacancy rates for hotel properties were unprecedented and the Board made certain adjustments to yield sensible commercial real estate loan losses in the model output. Without making these in-cycle changes, the results of the stress test would have been irrational and led to stress capital buffer requirements that were not commensurate with applicable firms' risk profile.

Under the proposed enhanced disclosure process, if these changes are not material, as defined below, the Board would publish these model changes by May 15 of the year in which the stress test is performed. To balance the benefit of public feedback with the operational and resource costs of seeking such feedback and to allow the Board to make timely model adjustments to ensure reasonable results, the Board would not formally invite public comment on these non-material model changes before implementing them in the stress test; however, the Board welcomes public feedback on these and all other aspects of the stress test models once they are published. Notably, the Board would not implement any in-cycle adjustments that are considered material model changes prior to seeking public comment on the adjustment. In addition, the Board would review and respond to all substantive public comments on material model changes before implementing them in the stress test.

As discussed above, the Board is proposing to publish for comment all material model changes and respond to all substantive comments on such material model changes before implementing them in the stress test. For example, if the Board sought to implement a new statistical technique that would result in a material model change, then the Board would seek public comment prior to implementing either of those changes.⁶⁷ The Board is

proposing to define a "material model change" as a model change that could have, in the Board's estimation, an impact on the post-stress common equity tier 1 capital ratio of any firm, or on the average post-stress common equity tier 1 capital ratios of all firms required to participate in the upcoming stress test cycle, based on the prior year's severely adverse scenario and prior year's input data, equal to (i) a change of 20 basis points or more in the projected common equity tier 1 ratio of any firm participating in the upcoming stress test cycle; or (ii) a change of 10 basis points or more in the average of the absolute value of each firm's change in projected common equity tier 1 ratio.⁶⁸ The Board proposes to apply this definition of a material model change across both Regulation YY and Regulation LL, such that the individual materiality threshold would apply to all firms required to participate in the next stress test under either regulation, and such that the Board's estimation of whether a change meets the aggregate materiality threshold would be determined across all firms required to participate in the next stress test under either regulation.

The Board is proposing to use the threshold of a 20 basis point change in the common equity tier 1 capital ratio for individual firms in the definition of material model change because that threshold would ensure that the public would be able to comment on any change that would be likely to affect a firm's stress capital buffer requirement. Considering the history of recent model changes, a threshold of 20 basis points would generally capture model changes that involve conceptual enhancements to model specifications, such as to incorporate improved modeling techniques or to capture emerging risks, while scoping out those that are simpler model refinements, such as those implemented to ensure that the models maintain consistency given changing requirements (e.g., refinements made to accommodate the transition from the London Interbank Offered Rate to SOFR). Therefore, changes of smaller magnitudes would be unlikely to impact a firm's stress capital buffer requirement, particularly if the proposed two-year averaging approach to calculate a firm's stress capital buffer

requirement is adopted.⁶⁹ If the two-year averaging approach is not finalized or not finalized as proposed, the Board would consider a lower individual materiality threshold of 10 basis points, which would ensure that the public would be able to comment on any change that would be likely to affect a firm's stress capital buffer requirement without two-year averaging.

The Board is proposing the threshold of a 10 basis point average change in the absolute value of the change to each firm's projected common equity tier 1 capital ratio in case a model change has minimal individual impacts, but has a notable aggregate impact on firms required to participate in the upcoming stress test. The Board selected 10 basis points for this aggregate prong because a model change of this size would be likely to impact the aggregate projected common equity tier 1 capital ratio, which is a salient measure of the health of the banking system. A change that satisfies either of these materiality thresholds would be considered a material model change.

Question 12: What are the advantages and disadvantages of this definition of a material model change? What alternative quantitative thresholds for materiality, if any, should the Board consider, and why? For example, in assessing the materiality of a model change, as described in the Stress Testing Policy Statement, the Federal Reserve currently considers a change to be highly material if it would result in a change in the common equity tier 1 capital ratio of 50 basis points or more for one or more firms, relative to the model used in prior years' supervisory exercises. What would be the advantages and disadvantages of this or other alternative standards?

Question 13: What alternative definitions of materiality, if any, should the Board consider? For example, the Board could consider the impact of a change on a firm's pre-tax net income, rather than its common equity tier 1 ratio. What are the advantages and disadvantages of such alternative definitions?

Question 14: Under the proposal, for purposes of assessing the materiality of a model change, the Board would not aggregate or net the impact across or within component models. What forms of netting or aggregation, if any, would be most appropriate and why? What would be the advantages and disadvantages of netting or aggregating model changes across or within component models to assess materiality? If the Board were to net or

⁶⁷ For purposes of assessing materiality, model changes would not be aggregated or netted across the component models. For example, if the Board proposed a change to both the Pre-Provision Net Revenue Model and Corporate Model in the same stress test cycle, the Board would estimate the effects of each change separately for purposes of determining materiality. Similarly, for purposes of assessing materiality, model changes would not be

aggregated or netted within component models. For example, if the Board proposed two changes to a component model, the Board would evaluate the materiality of each change separately.

⁶⁸ The Board would take the absolute value of each firm's change in projected common equity tier 1 ratio, then average those values. If the average is 10 basis points or greater, the change would constitute a material model change.

⁶⁹ See 90 FR 16843 (Apr. 22, 2025).

aggregate model changes, should the Board consider alternative materiality thresholds? For example, the Board could consider an alternative definition of materiality that considers the aggregate impact of all of the model changes the Board intends to implement in a future stress test cycle.

Alternatively, the Board could aggregate the impacts of all model changes to a given suite of models (e.g., credit risk models) instead of considering the individual impacts of model changes to the Auto Loan Model and the Commercial Real Estate Model.

Question 15: What are the advantages and disadvantages of inviting and responding to public comment on material model changes before implementing those changes? The proposal does not currently specify the length of the comment period. What are the advantages and disadvantages of a set length for the comment period (e.g., 30-day, 60-day, etc.)? When considering the appropriate length of the comment period, how should the Board evaluate trade-offs, for instance, between ensuring that the public has ample time to consider and comment on material model changes and ensuring that the stress test results are released by June 30?

Question 16: If the Board does not adopt its proposal to calculate a firm's stress capital buffer requirement by averaging stress test results over two consecutive years, should the Board consider a lower threshold to determine materiality, such as 10 basis points for the individual firm threshold instead of the proposed 20 basis points? What would be the advantages and disadvantages of a lower threshold?

D. Annual Disclosure of Scenarios

Under the proposal, the Board would annually publish for comment the proposed stress test scenarios by October 15 of the calendar year prior to the stress test, for at least a 30-day period. The timing of the release and duration of the comment period will allow for sufficient time to respond to comments and finalize the scenarios within the current window for publishing final scenarios by February 15 in each annual stress test cycle.⁷⁰ The disclosure of the annual scenarios for comment, along with the implementation of additional scenario variable guides and revisions to the

Scenario Design Policy Statement, would meaningfully improve the transparency, public accountability, and predictability of the annual stress tests.

The publication of macroeconomic scenarios in October would use nowcasts, which are projections under baseline conditions, to determine the jump-off points for the proposed scenario variable paths. The final scenarios would be updated to include actual data. The paths of scenario variables may be adjusted to some extent between the initial scenario publication and the finalized scenario to reflect these updated values.

By designing and publishing the guides described in Section IX.G of this Supplementary Information, the Board expects that the annual severely adverse scenarios will generally be more consistent and predictable year-to-year. As a result, the Board weighed whether publishing the annual scenarios for comment in a typical year would contribute meaningful additional accountability that would improve the stress test program, and whether the Board should limit publication of the annual scenarios for comment to situations where the Board is proposing to incorporate a salient risk into the scenarios that is not described in this proposal. However, in the interest of enhancing transparency and public accountability, the Board determined to maintain its current practice of publishing its annual scenarios and, further, to propose changes to Regulations LL and YY formalizing this disclosure process.

Additionally, the Board plans to maintain its current practice of disclosing the final scenarios only after firms' portfolios are fixed, as disclosure of the final scenarios prior to the jump-off date of the stress test could incentivize firms to modify their businesses to minimize losses in the supervisory stress test without changing the actual risk profile of the firms. Therefore, the Board is proposing to move the jump-off date of the stress test from December 31 to September 30. This proposed change is discussed in greater detail in Section VI.A of this Supplementary Information.

Finally, as described in Section VI.B of this Supplementary Information, the Board is proposing to change the as-of date window for the global market shock to occur between October 1 of the calendar year two years prior to the year in which the stress test is performed to October 1 of the year prior to the year in which the stress test is performed. Therefore, the Board anticipates that the global market shock as-of date will have already occurred for most future

proposals regarding the initial disclosure of the stress test scenarios. However, the Board has not yet announced the global market shock as-of date for the 2026 stress test and so cannot provide the exact relative shock values for certain global market shock variables since the relative shock values are a function of the actual data on the as-of date.

For relative shocks associated with the 2026 global market shock, the data on the global market shock as-of date would be applied to determine relative shock values, which will be disclosed as part of the finalized scenarios. For example, if the Board proposes a shock to the BBB corporate spread of 200 basis points and the BBB corporate spread market level on the global market shock as-of-date is 400 basis points, then the relative shock to the BBB corporate spread would be 200/400, or 50 percent, for the 2026 global market shock.

Question 17: How should the Board publish the annual scenario for comment? For example, the Board could publish the scenario on the Board's website or include the text and supporting materials in a **Federal Register** notice. Alternatively, the Board could consider codifying each annual scenario as a part of Regulation YY. What would be the advantages and disadvantages of these options or other alternatives?

Question 18: What are the advantages and disadvantages of publishing the annual scenarios for comment prior to the jump-off date of the annual stress test cycle?

Question 19: What are the advantages and disadvantages of a 30-day comment period? Should the Board consider an alternative comment period length? If so, how long should the comment period be (e.g., 45 days, 60 days, etc.)? When considering the appropriate length of the comment period, how should the Board evaluate trade-offs, for instance, between ensuring that the public has ample time to consider and comment on annual scenarios and ensuring that the stress test scenarios can be finalized before February 15?

Question 20: How should the Board analyze comments received from the public on proposed scenarios? What types of information would be helpful to commenters in order to understand how the Board incorporates comments received on proposed scenarios before finalizing the annual scenarios?

E. Stress Capital Buffer Requirement Reconsideration Process

Under the Board's capital plan rule, a firm may request reconsideration of the calculation of its preliminary stress

⁷⁰ Trading or other components of the scenarios, and any additional scenarios used by the Board, would continue to be communicated by March 1 of the calendar year in which the stress test is performed. 12 CFR 238.132(b); 12 CFR 238.143(b)(2)(i); 12 CFR 252.14(b)(2)(i); 12 CFR 252.44(b); 12 CFR 252.54(b)(2)(i).

capital buffer requirement within 15 calendar days of receiving notice of the preliminary requirement.⁷¹ A request for reconsideration may include a request for an informal hearing on the firm's request for reconsideration; the Board may, in its sole discretion, order an informal hearing if the Board finds that a hearing is appropriate or necessary to resolve disputes regarding material issues of fact.⁷² The Board is not proposing to change this reconsideration process.⁷³ However, the Board is requesting public input on potential enhancements to the stress capital buffer requirement reconsideration process. In particular, the Board seeks public input on the following question:

Question 21: What enhancements, if any, should the Board consider making to its reconsideration request process? For example, the Board could allow firms more time to request reconsideration of their results, broaden or narrow the grounds for and scope of review, and/or modify existing reconsideration request requirements in light of the publication of the comprehensive model documentation and proposed enhanced disclosure process. What would be the advantages and disadvantages of these enhancements? What other changes, if any, should the Board consider making to the reconsideration requirements and procedures? What would be the advantages and disadvantages of those changes?

V. Revisions to the Stress Testing Policy Statement

The Board is also proposing certain changes to the Stress Testing Policy Statement to (i) amend the section related to disclosure of information related to the stress test; and (ii) to align the Stress Testing Policy Statement with the proposed enhanced disclosure process.

A. Future Supervisory Stress Test Results Disclosures

The Board's Stress Testing Policy Statement states that, in general, the Board does not share information regarding supervisory stress test results with firms that is not made available to the broader public. However, providing additional details to a firm about its own results could provide the firm with

additional visibility into its stressed revenue and loss projections, including any underlying risks, and improve the firm's understanding of its stress capital buffer requirement. For example, additional results information would allow a firm to better understand how the stress test translates their balance sheet and income information into projected losses and revenue, which could help them better plan their business and understand the risk of their exposures. To provide additional transparency, the Board is therefore proposing to revise the Stress Testing Policy Statement to clarify that the Board will generally disclose information directly to a firm about the firm's supervisory stress test results that is not available to the broader public, so long as the Board discloses similar information to the other firms participating in a given stress test cycle. For example, the Board may provide a firm's common equity tier 1 capital ratio during all quarters of the projection horizon. Providing firm-specific results directly to the affected firms even when that information is not disclosed to the broader public would allow firms to better understand their results while preventing potentially sensitive information about a firm from being shared with competitors. The Board would continue to disclose the supervisory stress test results to the public.

Question 22: What are the advantages and disadvantages of revising the Stress Testing Policy Statement to clarify that the Board will generally share non-public information about a firm's results directly with a firm (provided that the Board is disclosing similar information to other participating firms)?

B. Other Revisions to the Stress Testing Policy Statement

In addition, the Board is proposing to revise the Stress Testing Policy Statement to align it with the proposed enhanced disclosure process. For example, the Board is proposing to state that, during model development, it invites, evaluates, and responds to substantive public input on the stress test models. The Board is also proposing to revise the Stress Testing Policy Statement to clarify that its public disclosures about the stress test will now include comprehensive descriptions of the models and changes to those models.

Question 23: What other changes could the Board make to the Stress Testing Policy Statement to reflect the enhanced transparency of the supervisory stress test or to supplement the Board's efforts to make the

supervisory stress test more transparent and to facilitate public participation? What are the advantages and disadvantages of such changes?

VI. Other Revisions to the Stress Testing and Capital Plan Rules

The Board is also proposing to revise the stress testing and capital plan rules to reflect the Board's efforts to disclose more information about the stress test scenarios.

A. Stress Test Jump-Off Date Change

The Board is separately seeking comment on the proposed scenarios for use in the 2026 supervisory stress test. In general, disclosure of the proposed scenarios prior to the jump-off date of the supervisory stress test could incent firms to temporarily modify their businesses to affect the results of the stress test without changing the actual risk profile of the firms. The Board recognizes that the increased transparency around scenario design resulting from the disclosure of additional guides and a macroeconomic model used in that process would allow firms to anticipate the trajectories of key scenario variables. Using this information, firms could adjust their portfolios to specific aspects of the proposed scenarios in ways that would reduce measured losses without reducing the actual riskiness of the portfolios. Such changes to firm business profiles could also result in greater than typical quarter-to-quarter variability in the banking books of firms.

To address this potential risk associated with increased transparency, the Board proposes to modify the jump-off date of the supervisory and company-run stress tests from December 31 to September 30, while leaving unchanged the other dates associated with publication of the final scenario and stress test results.⁷⁴ With respect to the capital planning rules, the Board proposes accomplishing this change through revision to the definition of "planning horizon" in Regulation Y and Regulation LL. This change would allow the Board to publish the scenario for comment after the jump-off date of the stress test, preventing firms from adjusting their exposures based on the stress test. However, this proposed change would introduce an additional quarter of staleness to the stress test and

⁷¹ 12 CFR 225.8(h)(2)(i); 12 CFR 225.8(i)(2); 12 CFR 238.170(h)(2)(i); 12 CFR 238.170(i)(2).

⁷² 12 CFR 225.8(i)(3)(ii); 12 CFR 225.8(i)(4); 12 CFR 238.170(i)(3)(ii); 12 CFR 238.170(i)(4).

⁷³ Model adjustments made in response to a reconsideration request granted by the Board would not be considered model changes under the proposed enhanced disclosure process.

⁷⁴ The Board has experience operating the annual supervisory stress test with a September 30 jump-off date. See, e.g., Board, 2015 Supervisory Scenarios for Annual Stress Tests Required under the Dodd-Frank Act Stress Testing Rules and the Capital Plan Rule (Oct. 23, 2014), <https://www.federalreserve.gov/newsevents/pressreleases/files/bcreg20141023a1.pdf>.

stress test results. This change would also affect firms' capital plan submissions. Although the due date for firms' annual capital plan submissions would be unchanged, because of the proposed update to the definition of planning horizon, firms' capital plans would not project out as far. While the Board weighs these risks and considers adjusting the stress test jump-off date, the Board seeks input from the public regarding whether these risks are outweighed by the value to firms and the public by publishing scenarios prior to the jump-off date of the supervisory and company-run stress tests. Therefore, the Board seeks public comment on whether to propose such modifications to limit the ability of firms to adjust their balance sheets in response to the proposed scenario prior to the jump-off date of the stress test.

Question 24: What are the advantages and disadvantages of retaining a jump-off date that would occur after the publication of the annual scenario for comment? Should the Board consider retaining the December 31 jump-off date in order to promote transparency? Are there additional risks or trade-offs that the Board should consider?

Question 25: What would be the advantages and disadvantages of modifying the jump-off date of the stress test from December 31 to September 30? If the Board were to modify the jump-off date, what other changes should the Board consider making to the stress test timeline? For example, what would be the advantages and disadvantages if the Board were to change the timing of a firm's capital plan submission? What would be the advantages and disadvantages of these changes?

Question 26: Should the Board consider modifying the jump-off date of the stress test to a later date, rather than an earlier date, in order to accommodate a public comment period?

B. Global Market Shock Date

The global market shock (GMS) is applied to market risk positions held by the firms on a given as-of date, which, under the Board's stress test rule, currently occurs between October 1 of the previous year and March 1 of the year of a given stress test cycle.⁷⁵ Under the Board's regulations, the GMS can apply to both the supervisory stress test and the company-run stress test for applicable firms. For the supervisory stress test and the company-run stress test, the Board must generally provide each affected firm with a description of

the GMS and with the specific GMS as-of date by March 1 of the year in which the stress test occurs.⁷⁶ For the company-run stress test, the Board generally must also notify each affected firm by December 31 of year preceding the stress test that the firm is required to include additional components or scenarios in its company-run stress test.⁷⁷

The Board selects a cycle-specific as-of date each year and, typically, announces it to firms about two weeks later to ensure the firms retain necessary data. The as-of date is expected to change from year to year to avoid creating potential incentives for firms to take temporary trading positions. However, there is a comprehensive date selection process that, in practice, shortens the actual window during which the GMS as-of date is generally selected. A wider date range would allow the Board to capture a broader range of market risks across different time periods, thereby improving the risk capture of the global market shock. The Board therefore proposes revising the date range for the GMS as-of date to occur between (inclusive of) October 1 of the calendar year two years prior to the year in which the stress test is performed to (exclusive of) October 1 of the calendar year one year prior to the year in which the stress test is performed. By way of example, this change would mean that for the 2026 supervisory stress test, the GMS as-of date could fall on any date between October 1, 2024, through September 30, 2025. The Board proposes using this date range because it would allow the Board to choose from a full year's worth of potential GMS as-of dates.

Additionally, the proposed range would include only dates prior to the release of the given stress test cycle's GMS for notice and comment. Therefore, firms subject to the GMS would not be able to use their knowledge of the GMS as-of date to update their balance sheet positions or adjust their portfolios to minimize stress losses without a commensurate reduction in risk profile.

In conjunction with the proposal to change the GMS as-of date window, the Board also proposes to change the date by which the Board needs to notify affected firms of this as-of date from March 1 of the year in which the stress test occurs. Unless it determines otherwise, the Board must notify affected firms of the GMS as-of date by

October 15 of the year prior to the year in which the stress test is performed. The Board would continue to provide firms with a description of the GMS, as finalized, by March 1 of the calendar year in which the stress test occurs. Additionally, to conform to the proposed changes to the stress test timeline, the Board proposes to change the date by which the Board must notify firms that they are required to include additional components or scenarios in their company-run stress test from December 31 to September 30 of the year preceding the stress test. This change would ensure that firms are aware of the components to which they would be subject prior to the annual publication of the scenarios for notice and comment.

Question 27: What are the advantages and disadvantages of modifying the window for the GMS as-of date in the stress test from October 1 of the calendar year one year prior to the year in which the stress test is performed through March 1 of the year in which the stress test is performed, to a date that is no earlier than October 1 of calendar year two years prior to the year in which the stress test is performed and that precedes October 1 of the calendar year one year prior to the year in which the stress test is performed? What alternative GMS as-of date ranges, if any, should the Board consider, and why? In addition to changing the GMS as-of date window, what other changes, if any, should the Board consider making to the stress test timeline? What effects, if any, would changing the window for the GMS as-of date have on any other aspects of the stress test or the stress test timeline?

Question 28: What are the advantages and disadvantages of the proposed dates by which the Board would notify firms of the GMS as-of date, provide a description of any associated components, and notify firms of any additional components that they are required to include in their supervisory and company-run stress tests? What alternative dates, if any, should the Board consider for these activities and why? For example, to better ensure that more stakeholders provide input into the proposed GMS, the Board could wait until the scenarios are final before notifying firms which components they must include in their company-run stress tests.

Question 29: The GMS only considers a firm's positions on one as-of date and only under one set of shocks. Should the Board consider alternative approaches to further increase the risk capture of the GMS, such as applying the GMS to more than one as-of date or more than

⁷⁵ See, e.g., 12 CFR 238.143(b)(2)(i); 12 CFR 252.14(b)(2)(i); 12 CFR 252.54(b)(2)(i).

⁷⁶ See, e.g., 12 CFR 238.132(b); 12 CFR 238.143(b)(2)(i); 12 CFR 252.14(b)(2)(i); 12 CFR 252.44(b); 12 CFR 252.54(b)(2)(i).

⁷⁷ See, e.g., 12 CFR 238.143(b)(4)(i); 12 CFR 252.14(b)(4)(i); 12 CFR 252.54(b)(4)(i).

one set of shocks for a given stress test? What would be the advantages and disadvantages of these alternative approaches? What other approaches should the Board consider to improve the risk capture of the GMS and why?

C. Amendment to the Dividend Add-On Component Calculation

The dividend add-on component of the stress capital buffer requirement currently comprises planned dividends in the fourth through seventh quarters of the planning (or projection) horizon of the supervisory stress test.⁷⁸ Under the current framework, the planned dividends that are incorporated in the stress capital buffer requirement align with the effective date of the stress capital buffer requirement (that is, October 1 generally is the first day of the fourth quarter of the existing planning horizon) and last for the one-year period through which the stress capital buffer requirement is expected to be effective (that is, through the seventh quarter of the existing planning horizon, after which the following year's stress capital buffer requirement would be expected to take effect).

As part of this rulemaking, the Board is proposing to change the jump-off date of the stress test from December 31 to September 30. To maintain alignment between the dividend add-on component of the stress capital buffer requirement and the one-year period during which the requirement typically is effective, the Board proposes to change the dividend add-on component to cover dividends issued in quarters five through eight, instead of quarters four through seven, of the planning horizon of the supervisory stress test. This change involves updates to the capital plan rules, at Regulation Y and Regulation LL, to any references to the relevant quarters of the planning horizon.⁷⁹ This proposed revision is intended to maintain the alignment between the dividend add-on component and the one-year period during which the stress capital buffer requirement generally is effective, assuming the proposal to move the jump-off date of the stress test to September 30 is adopted. If this aspect of the proposal is not adopted, then the

Board would not adjust the planning horizon period for planned dividends.

Such a change to the planning horizon period has likewise been proposed as part of the Board's proposed Modifications to the Capital Plan Rule and Stress Capital Buffer Requirement, issued in April 2025, in order to similarly maintain alignment between that proposal's updates to the effective date of a firm's stress capital buffer requirement and the dividend add-on component.⁸⁰ Should both proposals be finalized as proposed, the Board would expect to adjust the dividend add-on component of the stress capital buffer requirement to maintain alignment between the dividend add-on component and the one-year period in which the stress capital buffer requirement generally is effective. In such an instance, the Board would expect to change the dividend add-on component to cover dividends issued in quarters six through nine of the planning horizon of the supervisory stress test.

Question 30: What would be the advantages and disadvantages of the proposed change to the dividend add-on component of the stress capital buffer requirement?

VII. Revisions to the FR Y-14A/Q/M

To reduce regulatory reporting burden, support the proposed model changes, and improve risk capture, the Board is proposing several revisions to the FR Y-14A/Q/M. To reduce regulatory reporting burden, the Board is proposing to remove items and documentation requirements that are no longer needed to conduct the supervisory stress test. For example, the proposal would remove certain FR Y-14 supporting documentation requirements that are no longer needed to assess a firm's FR Y-14 submission. The Board also proposes to collect additional data that would support the supervisory stress test models and improve risk capture. For example, to capture data in a manner that aligns better with the treatment of private equity under the macroeconomic scenario, the proposal would include revisions for reporting private equity exposures and associated hedges. Additionally, to broaden the consideration of hedges and revenue and loss sharing agreements in the stress test, the Board is proposing revisions that would capture more data on various types of hedges or revenue and loss sharing agreements. Lastly, the Board is proposing several minor revisions to clarify the FR Y-14 instructions or align with the proposed changes to the stress

test timeline. The proposed revisions are described in Section XI.A of this **SUPPLEMENTARY INFORMATION**.

VIII. Proposed Changes to the Stress Test Modeling Framework

The Board is proposing to use the models described in the documents posted on the Board's website to generate results for the 2026 supervisory stress test. Included in these descriptions are some model specifications that were not used to conduct the 2025 supervisory stress test but are proposed to be used for the 2026 supervisory stress test. These proposed model changes are summarized in Section VIII.A.⁸¹ In addition, a detailed description of and rationale for each of these proposed model changes is provided in a separate document posted on the Board's website with the comprehensive model documentation. Section VIII.B of this Supplementary Information provides an analysis of the potential effects of the proposed changes. Based on this analysis, implementing the proposed model changes and proposed revisions to the global market shock scenario design in the 2024 and 2025 stress tests would have, independent of other factors, increased the aggregate projected common equity tier 1 (CET1) stress ratio, on average, by 29 basis points. This is equivalent to a reduction in stress capital buffer requirements of approximately 23 basis points or approximately 2.2 percent of current required capital.

A. Proposed Changes to Stress Test Models

The Board is proposing several changes to the supervisory stress test models for the 2026 stress test, which are discussed in more detail in the Model Changes document provided on the Board's website, at <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>. More significant proposed changes to the Pre-provision Net Revenue and Operational Risk Models are described within the comprehensive model documentation, also available at <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>. The Board is requesting comment on the proposed changes, together with the model documentation.

With respect to the credit risk models, the Board is proposing to change how it uses geography in scenario variables (First Lien, Home Equity, Credit Cards,

⁷⁸ See 12 CFR 225.8(d)(16); 12 CFR 238.130. The planning (or projection) horizon for the supervisory stress test is nine consecutive quarters starting on the jump-off date of the supervisory stress test.

⁷⁹ 12 CFR 225.8(f)(2)(i)(C)(1); 12 CFR 225.8(f)(4); 12 CFR 225.8(h)(2)(ii)(A); 12 CFR 225.8(h)(2)(ii)(B); 12 CFR 225.8(k)(2); 12 CFR 238.170(f)(2)(i)(C)(1); 12 CFR 238.170(f)(4); 12 CFR 238.170(h)(2)(ii)(A); 12 CFR 238.170(h)(2)(ii)(B); 12 CFR 238.170(k)(2).

⁸⁰ See 90 FR 16843 (Apr. 22, 2025).

⁸¹ These proposed changes would constitute "model changes" under the proposed definition of "model change," as discussed in Section IV.B of this Supplementary Information.

Auto, and Commercial Real Estate Models); change how it treats foreclosures under judicial supervision (First Lien and Home Equity Models); change how it calculates loss given default for international loans (Commercial Real Estate and Corporate Models); change how it includes losses attributable to accrued interest and carrying costs (First Lien and Home Equity Models); change how it uses multipliers in the Provisions Model; revise the mortgage loss given default model in the First Lien Model; revise the bank card model in the Credit Card Model; change how it projects losses on auto leases in the Auto Model; and update the probability of default, loss given default, and exposure at default components in the Corporate Model.

With respect to the market risk models, the Board is proposing to update several of its market risk models for the 2026 stress test, including to simplify the Yield Curve Model; adjust its process for projecting credit valuation adjustments for derivative positions in the Credit Valuation Adjustment Model; lower the loss given default assumption amount and loan equivalent factor parameter in the Fair Value Option Model; update and simplify the Securities Model; and exclude additional counterparties in the Largest Counterparty Default Model.

With respect to the net revenue models, the Board is proposing an alternative suite of pre-provision net revenue component models that depart from the current panel regression-based approach. This alternative suite is described in the Pre-provision Net Revenue Model documentation, available at <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>. The Board is also proposing to discontinue the current regression model used to project operational risk losses and instead project losses with a distributional model. This alternative model is described in the Operational Risk Model documentation, also available at <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>.

Aggregate impacts on regulatory capital of the model changes described above are small (see Table 2). Across risk stripes, the proposed model changes would reduce credit, market, and operational losses, which would be balanced by the effects of the proposed model changes to the Pre-provision Net Revenue Model. Across firm categories, GSIBs would observe modest increases in aggregate projected CET1 stress ratio under the proposed changes. Firms subject to Category II–III standards

would also observe a modest increase in their projected CET1 stress ratio.

Question 31: The Board invites public comment on these proposed model changes. What other changes, if any, should the Board consider implementing in the 2026 stress test cycle, either instead of or in addition to the proposed changes?

Question 32: What other information or data should the Board consider to assess the quantitative economic impact of the proposed model changes and why?

B. Analysis of Proposed Model Changes

To further enhance the transparency of the stress test models, this section analyzes the potential effects of the proposed model changes described in Section VIII.A of this Supplementary Information, and the liquidity horizon revisions to the global market shock scenario design described in Section IX.H of this Supplementary Information, that inform the Board's determination of firms' stress capital buffer requirements.

In aggregate, the stress test model and scenario changes are not expected to materially change capital requirements for firms subject to the supervisory stress test, across various stress scenarios and jump-off conditions at the start of the test. To illustrate the effect of these proposed model changes, this analysis averaged the impact of these changes on the CET1 stress ratio for a balanced sample of 30 firms subject to the 2024 stress test and expected to participate in the 2026 stress test, then aggregated the averages.⁸² The analysis estimates that the proposed model and scenario changes, independent of other models and components, could have resulted in an increase of 29 basis points in the average aggregate CET1 stress ratio. This is equivalent to a reduction in stress capital buffer requirements of approximately 23 basis points or approximately 2.2 percent of current required capital. The analysis estimates that the model changes would reduce stress capital buffer requirements by approximately 13 basis points, and that the revisions to the global market shock scenario design, described in Section IX.H of this Supplementary Information, would reduce stress capital buffer requirements by approximately 10 basis points. For U.S. GSIBs, the analysis

estimates a decline of 25 basis points of stress capital buffer requirements.

As the U.S. banking system's 13.0 percent CET1 capital ratio (8.2 percent leverage ratio) is well within the estimated optimal range in the literature,⁸³ the net benefit of modest changes to the overall level of banking system capital is small.⁸⁴ However, as discussed further below, the proposed model changes have varied effects on capital requirements across loss type and firm category.

Based on this analysis, the proposed model changes are expected to result in more risk-sensitive capital requirements, independent of their effect on the level of requirements. Specifically, implementation of the proposed model changes would render the models more stable, likely reducing misalignment between firms' losses under stress and their respective stress capital buffer requirements. To the extent that the stress capital buffer requirements are affected by these proposed model changes and are a part of firms' most-binding capital constraint,⁸⁵ the proposed model

⁸³ For discussions of optimal bank capital, see generally Basel Committee, "An Assessment of the Long-Term Economic Impact of Stronger Capital and Liquidity Requirements" (Aug. 2010), <https://www.bis.org/publ/bcbst173.pdf> ("BCBS 2010 study"); see also I. Fender & U. Lewrick, *Adding it All Up: The Macroeconomic Impact of Basel III and Outstanding Reform Issues*, BIS Working Paper No. 591 (Nov. 2016) ("Fender and Lewrick (2016)"), <https://www.bis.org/publ/work591.pdf>; D. Miles et al., *Optimal Bank Capital*, 123 *The Econ J.* 1, 29 (Mar. 2013) ("Miles et al. (2013)"), <https://academic.oup.com/ej/article/123/567/1/5080596>; M. Brooke et al., *Measuring the Macroeconomic Costs and Benefits of Higher UK Bank Capital Requirements*, Bank of England, Financial Stability Paper No. 35 (Dec. 2015) ("Brooke et al. (2015)"), <https://www.bankofengland.co.uk/-/media/boef/files/financial-stability-paper/2015/measuring-the-macroeconomic-costs-and-benefits-of.pdf>; S. Firestone et al., *An Empirical Economic Assessment of the Costs and Benefits of Bank Capital in the United States*, 101 *Federal Reserve Bank of St. Louis Rev.* 203, 203–30 (2019) ("Firestone et al. (2019)"), <https://doi.org/10.20955/r.101.203-30>; B. Soederhuizen et al., *Optimal Capital Ratios for Banks in the Euro Area*, 69 *J. Fin. Stability*, Art. No. 101164 (Dec. 2023) ("Soederhuizen et al. (2023)"), <https://doi.org/10.1016/j.jfs.2023.101164>; J. Barth & S. Matteo Miller, *Benefits and Costs of a Higher Bank 'Leverage Ratio'*, 38 *J. Fin. Stability* 37, 37–52 (Oct. 2018) ("Barth and Miller (2018)"), <https://doi.org/10.1016/j.jfs.2018.07.001>; J. Dagher et al., *Benefits and Costs of Bank Capital*, IMF Staff Discussion Note SND/16/04 (Mar. 2016) ("Dagher et al. (2016)"), <https://www.imf.org/external/pubs/ft/sdn/2016/sdn1604.pdf>.

⁸⁴ Ratios are based on the aggregate of all FR Y–9C filers as of Q1 2025, which generally excludes holding companies with less than \$3 billion in consolidated assets and depository institutions without parent holding companies. The aggregate CET1 ratio additionally excludes holding companies that have opted in to the Community Bank Leverage Ratio requirement, and reflects standardized risk-weighted assets.

⁸⁵ The capital requirements of firms with stress losses plus dividend add-ons reliably below the 2.5

changes would thereby improve the risk sensitivity—and efficiency and effectiveness—of capital requirements.

This analysis recognizes that the limited overall effect on stressed CET1 capital ratios masks significant variation across the different loss drivers. As shown in Table 2 below, the proposed model changes could result in less severe credit, market, and operational

loss estimates—which would be driven by overhauling the wholesale corporate probability of default model and discontinuing the macroeconomic regression approach for operational risk loss estimation, as described further in the Corporate Model and Operational Risk Model descriptions. However, the proposed changes to the Pre-provision

Net Revenue Model would offset these loss reductions. By reducing the reliance of net revenue projections on recent outcomes and relying more on firm projections of net noninterest income, the projections of net revenue would be more consistent with a stress scenario and would better align with firms’ projections.

Table 2: Aggregate Effect of Proposed Model Changes on CET1 Ratios by Model Change Type

Loss Type	CET1 Ratio Effect (basis points)		
	2024	2025	Average
Credit Losses	36	50	43
Market Losses	21	-3	9
Operational Losses	54	43	49
Pre-provision Net Revenue	-67	-77	-72
All Changes	44	13	29

Table 3 below provides a separate analysis of estimates of stress losses across firm types that are subject to the

stress capital buffer requirement. The analysis shows the reduction in

hypothetical stress losses is concentrated at larger firms.

Table 3: Aggregate Effect of Proposed Model Changes on CET1 Ratios by Firm Category

Firm Type	CET1 Ratio Effect (basis points)		
	2024	2025	Average
Category I (GSIBs)	63	6	35
Category II-III	60	45	53
Category IV	-43	10	-17
All Firms	44	13	29

IX. Proposed Changes to the Scenario Design Policy Statement

The Board is also proposing to make several changes to the Scenario Design Policy Statement. While many of these proposed changes are technical in nature, this section identifies substantive changes and requests comment on those proposed changes.

Question 33: The Board invites comment on all aspects of the technical and substantive proposed revisions to the Scenario Design Policy Statement. What are the advantages and disadvantages of these proposed changes? What would be the advantages and disadvantages if the Board were to consider describing the Board’s expectations for additional components of the scenario design framework?

percent capital conservation buffer would be unaffected by the proposed model changes.

A. Changes to the Background and Overview and Scope Sections

The Board is proposing to make limited changes to the first two sections of the Scenario Design Policy Statement, which address background and overview and scope topics, respectively. In the background section, the Board would clarify that the stress tests primarily focus on credit risk, operational risk, and market risk. The inclusion of operational risk in this list helps clarify the Board’s continued focus on designing a supervisory tool that makes a valuable forward-looking assessment of large financial companies’ capital adequacy under hypothetical economic and financial market conditions. The Board would also clarify that it expects to provide only two different sets of macroeconomic

⁸⁶ 84 FR 59032, 59061 (Nov. 1, 2019).

scenarios for both the supervisory and company-run stress tests. These two sets of macroeconomic scenarios are the baseline and severely adverse scenario. This change would clarify the quantity of macroeconomic scenarios the Board expects to provide, consistent with the removal of a separate adverse scenario.⁸⁶

In the overview and scope section, the Board would make conforming edits to the description of the organization of the Scenario Design Policy Statement to reflect the changes discussed earlier in this proposal.

Question 34: What additional changes, if any, should the Board consider making to these sections, and why? What would be the advantages and disadvantages of providing more than two scenarios? What are the

advantages and disadvantages of the Board's continued focus on credit, operational, and market risk?

B. Changes to the Content of the Stress Test Scenarios Section

The Board is proposing to make two general changes to this section, which describes the Board's expectations for the content of the published stress test scenarios.

First, as described below, this section would be amended to clarify that the Board expects to generally publish two different macroeconomic scenarios: the baseline and severely adverse scenarios. This section would also be revised to clarify that the Board expects to invite comment on severely adverse scenarios.

Second, as described in Section IX.H of this Supplementary Information, the Board is proposing to make certain changes related to the global market shock component. See Section IX.H of this Supplementary Information for a discussion of those changes.

Question 35: What additional changes, if any, should the Board consider making to these sections, and why?

C. Approach for Formulating Macroeconomic Assumptions in the Baseline Scenario

The Board is proposing to provide additional details describing the process by which the Board would set the paths of the variables in the baseline and severely adverse scenarios. In particular, the amendments reflect that the Board would post on the Board's website a description of the macroeconomic model utilized to support the construction of the baseline and severely adverse scenarios in the annual stress test. By posting a description of this model (the "macroeconomic model for stress testing") on the Board's website, the Board expects to improve the transparency, public accountability, and predictability around the Board's scenario design framework, particularly with respect to the baseline scenario and certain variables in the severely adverse scenario. The Board recognizes that, while these enhancements are consistent with the Board's goal of increased transparency in the supervisory stress test, they may constrain the design of the scenario paths for some variables to follow those prescribed by the macroeconomic model for stress testing. Nevertheless, the Board expects that other aspects of the proposed changes to the Scenario Design Policy Statement will preserve sufficient flexibility to allow the Board to adjust the severity of the annual scenario based on relevant indicators of

economic and financial conditions and other emergent procyclical factors. Importantly, the Board uses these models to generate paths for the scenario variables only. These models are used solely for stress testing purposes and the output is not a forecast of the Board.

Question 36: What are the advantages and disadvantages of adopting a macroeconomic model for stress testing to guide the selection of certain variables in the baseline and severely adverse scenarios?

Question 37: What additional changes, if any, should the Board consider making to this section, and why?

D. Scenario Narrative: Refinement to the Recession Approach

A number of considerations contribute to the Board's formulation of the severely adverse scenario. As a starting point, the basic approach adopted by the Board is the *recession approach*—the notion that the Board will construct a scenario informed by the historical paths of macroeconomic and financial market variables across post-war U.S. recessions. However, different recessions have differed in important respects, and a simple recreation of a given episode or an average over all recessions would fail to reproduce important potential stressors to firms' balance sheets. Hence, in applying the recession approach, the Board develops a specific narrative characterizing the hypothetical recession represented by the scenario to help inform the specific paths for scenario variables. This narrative combined with data are then modified to account for the Board's stress testing principle of conservatism alongside other considerations offered by the literature on stress testing including a goal to develop sufficient severity and credibility of the scenarios, and a goal to not add sources of procyclicality to the financial system, as described below.⁸⁷ This section gives an overview of these considerations and other details, providing a common structure for the discussion outlined in the guides for individual variables under this framework, in Section IX.G of this Supplementary Information.

The Recession Approach

The Board intends to continue to use a recession approach to develop the severely adverse scenario. Under the recession approach, the Board expects to specify the future paths of variables to reflect conditions that characterize

post-war U.S. recessions, generating either a typical or specific recreation of a post-war U.S. recession. The Board chose this approach in developing past scenarios, and in the Scenario Design Policy Statement, because it has observed that the conditions that typically occur in recessions—such as increasing unemployment, declining asset prices, and contracting loan demand—can put significant stress on firms' balance sheets. This stress can occur through a variety of channels, including higher loss provisions due to increased delinquencies and defaults, losses on trading positions through sharp moves in market prices, and lower bank income through reduced loan originations. For these reasons, the Board expects that the paths of economic and financial variables in the severely adverse scenario should, at a minimum, resemble the paths of those variables observed during a recession. The guide for each variable in this framework reviews the movements of that variable across past recessions and bases the formulation of its scenario path on that analysis. While the recession approach provides a starting point for the formulation of the scenario, recessions are not all the same. The length and depth of recessions differ, as do the parts of the economy and financial markets that are most affected, so the Board must include other considerations in its scenario design.

The Scenario Narrative

Because recessions have differed in cause, character, and consequence—from oil price shocks and housing slumps to asset-price busts and pandemics, from short to long, and from mild to moderate to severe—the Board augments the basic recession approach with an annual scenario narrative. The annual scenario narrative provides qualitative direction on how the Board builds that year's severely adverse scenario.

While some specifics of the narrative may be adjusted on a year-to-year basis to reflect developments in the macroeconomic and financial environment, the overall narrative motivating scenario design will be that of a sharp recession triggered by an adverse shock to financial markets. Under the proposal, the Board expects that the macroeconomic scenario used in the Board's annual supervisory severely adverse scenario will begin with a sudden and significant increase in uncertainty and associated rapid deterioration in risk appetite that cause a spike in financial market volatility and a sharp decline in many U.S. and

⁸⁷ 12 CFR 252, Appendix B.

foreign financial assets. The resulting turmoil would disrupt funding markets and lead to widespread deleveraging, including forced sales of illiquid assets at fire sale prices by a range of financial firms and some temporary breakdowns in the typical correlations between financial asset prices. (Such sharp changes in financial conditions have been observed previously in response to the outbreak of COVID-19 or regional wars, the failure or distress of a large financial institution, or sudden shifts in the economic policies in advanced economies.)

Under the Board's recession approach, the Board expects that, although financial market functioning returns to normal within a few months of the initial shock, uncertainty remains high and risk appetite remains low for an extended period. The sustained flight to quality would be expected to push down risk-free interest rates but keep credit conditions tight and financial asset prices depressed for several quarters. The market dysfunction would cause a contraction in the supply of credit from other types of financial intermediaries that would create demands on banks to provide substantial liquidity to existing customers with formal credit lines. Banks would also make ad hoc decisions to support customers without formal arrangements when doing so could lead to lower losses on their existing loans.⁸⁸ This shift in demand for credit toward banks from other financial intermediaries would lead to banks' balance sheets remaining constant even as overall credit demand declines.⁸⁹ This feature of the scenario is supported by the stress testing principle of conservatism.⁹⁰ To that end, maintaining higher capital requirements during periods of economic expansion ensures that stress tested firms employ sufficient capital to

absorb losses and support the economy during a downturn.

In the scenario, the news from financial markets would cause near-immediate decisions by consumers to curtail spending and by businesses to cut payroll and cancel planned investments, leading to a demand-driven contraction in economic activity putting downward pressure on inflation. The initial disruption to spending and employment along with tightening credit conditions would trigger a negative feedback loop that results in further declines in payrolls, investment, and spending in subsequent quarters. With businesses shrinking or failing in the scenario, demand for commercial real estate would decrease significantly relative to supply, leading to large declines in commercial property prices. Meanwhile, rising household financial distress would lead to increased supply of homes for sale and reduced household formation, which would depress residential real estate markets.

The financial market dysfunction and deepening recession in the United States would spill over to its major trading partners, including the euro area, United Kingdom, Japan, and Developing Asia. Those areas would experience declines in economic activity commensurate with the global slowdown running from 2008 to 2010. Consistent with existing stress testing principles, this scenario assumes that permanent government stabilization programs (e.g., unemployment insurance) and monetary policy in the United States and elsewhere would function normally, but that there would be no extraordinary measures taken by fiscal or financial authorities to support the economy or financial markets during this time. The specific implications of this narrative for scenario variables are detailed in each guide, but the narrative interacts importantly with the recession approach: financial recessions often exhibit different properties than other recessions, as they are often steeper, deeper, and more drawn-out than typical, non-financial recessions.⁹¹ Adopting this scenario narrative reflects a principle of conservatism, and is in line with recommendations from the stress testing literature, as discussed in Section IX.F of this Supplementary Information.

Question 38: The Board invites comment on all aspects of how the Board designs the scenario narrative in the annual stress test. What are the advantages and disadvantages of adopting this financial recession

approach? What other approaches, if any, should the Board consider adopting, and why? What adjustments, if any, to the financial recession approach should the Board consider adopting, and why?

Adding Salient Risks to the Severely Adverse Scenario

Consistent with the Scenario Design Policy Statement, under this proposal, the Board expects that the severely adverse scenario would be developed to reflect the current level of vulnerabilities or risks to the banking sector that are apparent in relevant indicators of economic and financial conditions. The Board anticipates that the proposed guides for certain scenario variables described below provide an appropriate range of values to design the severely adverse scenario in most years. The waxing and waning of relevant indicators of economic and financial conditions will inform the Board's decisions about where to set the value of those parameters within those ranges for each variable.

The Board continues to expect that there will be some important instances when it will be appropriate to augment the recession approach with salient risks and to set variables values inside of, and in some cases, outside of the ranges and values provided in the guides in the Scenario Design Policy Statement. As a result, each year, the Board will consider particular risks to the financial system and to the domestic and international macroeconomic outlook identified by its economists, bank supervisors, and financial market experts. The Board, using its internal analysis and supervisory information and in consultation with the Federal Deposit Insurance Corporation and the Office of the Comptroller of the Currency, will then determine whether any of those risks appear significantly more elevated than usual or, conversely, whether risks are unusually low at a particular time, such that they cannot be appropriately reflected by choosing values within the ranges of the proposed guides. In those cases, which it expects to be infrequent, the Board will make appropriate adjustments to the paths of specific economic variables. These adjustments will not always be reflected in the general severity of the recession and, thus, all macroeconomic variables; rather, the adjustments will sometimes apply to a subset of variables to reflect co-movements in these variables that are historically less typical.

To assist the public in assessing the use of salient risks in the scenario, the Board considered the following examples. A stress test initiated in a

⁸⁸ For example, in June 2020 the Federal Financial Institutions Examination Council issued interagency guidance to bank examiners stating, "examiners will not subject a . . . modified loan to adverse classification solely because the value of the underlying collateral has declined . . . , provided that the borrower has ability to repay" See *Interagency COVID-19 Examiner Guidance*, <https://www.federalreserve.gov/newsevents/pressreleases/files/bcreg20200623a1.pdf>.

⁸⁹ Commercial and industrial loans grew 20 percent in 2007 as credit markets seized at the beginning of the 2007–2009 financial crisis. See M. Bech & Tara Rice, *Profits and Balance Sheet Developments at U.S. Commercial Banks in 2008*, 95 Fed. Rsv. Bull. A57–97 (2009), <https://www.federalreserve.gov/pubs/Bulletin/2009/articles/bankprofit/default.htm>. For COVID-19, see H. Ennis & A. Jarque, *Bank Lending in the Time of COVID*, Federal Reserve Bank of Richmond Economic Brief No. 21–05 (Feb. 2021).

⁹⁰ 12 CFR 252, Appendix B.

⁹¹ See, e.g., C. Reinhart & K. Rogoff, *This Time Is Different: Eight Centuries of Financial Folly* (2009).

period of unusually high uncertainty and rapid deterioration in economic and financial conditions, such as the first quarter of 2009 or the first quarter of 2020, likely would prove challenging for the ranges in this proposed framework. In each case, the prevailing conditions made it plausible that key variables would settle beyond the range of their previous peak or trough values, on which the guides for the variables in the severely adverse scenario are calibrated. Although the unemployment guide remained flexible enough to respond to the spike in the unemployment rate to nearly 15 percent during the first months of the COVID-19-related business closures in 2020, the paths of other variables may have needed to be adjusted more severely if the economy had not recovered as quickly as it did.

As another example, the Board may become increasingly concerned about vulnerabilities related to a particular asset class that was experiencing rapid and persistent price increases supported by increasingly leveraged investors. Those circumstances existed in the housing market in the early 2000s and may have tested the credibility of a guide framework based solely on past performance of home prices, given that up until then, the price index for homes the Board uses for stress testing had rarely experienced a decline.⁹²

Sometimes, the salient risk may arise within an asset class. The Board most recently incorporated this type of salient risk in the 2024 stress test scenario. That year, the Board noted unusually high vulnerabilities in types of commercial properties that could be most at risk for a sustained drop in income and asset values due to the prevalence of remote work.⁹³

The Board is proposing two changes to its consideration of salient risks in the severely adverse scenario. First, the Board would remove paragraph 4.2.4(d) from the Scenario Design Policy Statement. Removing this paragraph could help improve the transparency of the scenario design process by limiting the Board's expectations for considering risks of uncertain significance. While this approach would reduce the Board's ability to test for emerging and untested risks in the financial system through the severely adverse scenario, the Board expects that the remaining components

of the Board's supervisory stress test should be sufficient to establish a credible severely adverse scenario.

Second, where the Board does consider salient risks in designing the severely adverse scenario, the Board will endeavor to disclose and explain the Board's reasoning in the Board's publication of the annual stress test scenarios, and subsequently adjust those aspects of the scenario, if necessary, in response to those comments.

Question 39: What are the advantages and disadvantages of the Board's approach to considering salient risks? What additional or alternative approaches, if any, should the Board consider for the consideration of salient risks? What additional or alternative circumstances should the Board take into account when evaluating whether to consider salient risks, if any?

E. Changes to Construction of Certain Variables in the Severely Adverse Scenario

As noted above, the Board finalized changes to the Scenario Design Policy Statement in 2019 that established a guide that it would use in setting the size of the maximum change in the unemployment rate and the timing of its peak. The Scenario Design Policy Statement also introduced a guide to govern the size of the maximum decline in house prices in the severely adverse scenario. This proposal maintains those features of the guides for those two variables, introduces guides that will be used to set the changes in the values, and the timing of those changes, for more variables in the severely adverse scenario, and provides additional context for the path of each variable before it reaches the maximum change. In addition, the Board is separately disclosing a specific macroeconomic model that it proposes to use to translate the paths of certain variables that are set using the proposed guides into internally consistent projections for the remaining variables, such as the 3-month Treasury bill rate, GDP, Disposable Personal Income (DPI), and inflation.

In addition to updating existing guides for the unemployment rate and house prices, the Board is proposing to establish a guide for each of the following variables: equity prices; the VIX index; 5-year Treasury yields; 10-year Treasury yields; BBB corporate bond yields; mortgage rates; commercial real estate prices; and certain international scenario values. These include all but one of the remaining financial market variables typically included in the domestic severely adverse scenario disclosure each year

(the exception being the 3-month Treasury bill rate, as discussed below).

The Board uses guides to inform its determination of the behavior of these financial market variables in the severely adverse scenario, rather than model predictions, for several reasons. Although the parameters of the guides are calibrated based on an analysis of historical changes in those variables during recessions and the resulting set of scenario paths typically would be consistent with historical co-movements in those variables, using explicit forward-looking models of these variables to determine scenario paths would be inconsistent with several stress testing principles, such as simplicity and transparency, as described below.

Under a model-driven approach to determine the paths of these variables, each model would require the Board to identify, design, test, explain, and publish additional assumptions, variables, formulas, and parameters that would drive the results of the model. Models of financial market variables can be particularly unreliable during periods of severe stress like the environment envisioned by the hypothetical severely adverse scenario.⁹⁴ Thus, the model-driven approach to determining these variables would contrast with the stress testing principle of using simpler and more transparent approaches, where appropriate.

The Board believes that the guide-based approach also better achieves the stress testing principle of using a stable process that is reliably able to capture the impact of economic stress. These simple, transparent guides also will allow the Board to use its judgment at times when it is necessary to account for conditions that are plausible even if they have not been observed previously, consistent with the stress testing principle of conservatism. Finally, the guides better preserve the Board's ability to adjust the severity of the stress test to avoid adding to procyclical forces, when doing so is appropriate and consistent with fostering financial stability. The Board's judgment about the appropriateness of the annual stress test scenarios will reflect changes in the specific risks or vulnerabilities that the Board, in consultation with the other federal banking agencies, determines should be considered in the annual stress tests.⁹⁵

⁹² The Board uses the Price Index for Owner-Occupied Real Estate, Z.1 Release (Financial Accounts of the United States), Federal Reserve Board (series FL075035243.Q).

⁹³ See Board, *2024 Stress Test Scenarios*, "Additional Key Features of the Severely Adverse Scenario," at 12–13 (Feb. 2024), <https://www.federalreserve.gov/publications/files/2024-stress-test-scenarios-20240215.pdf>.

⁹⁴ T.C. Green & S. Figlewski, *Market Risk and Model Risk for a Financial Institution Writing Options*, 54 J. Fin. 1465–99 (Dec. 1999).

⁹⁵ See 84 FR 6651, 6656 (Feb. 28, 2019).

The paths for the remaining variables in the domestic scenario—GDP, DPI, inflation, and the 3-month Treasury rate—will be informed by the Board’s macroeconomic model for stress testing.⁹⁶ In contrast to the guide-based approach described above for certain variables, the Board uses a model-driven approach for these remaining variables because they are particularly suited to model projections that are simple to produce and explain. As explained in the model documentation available on the Board’s website, that model uses a set of well-studied longer-run economic relationships that have proven to be useful in a variety of economic conditions and modeling frameworks. These include Okun’s Law, a Phillips Curve, and an inertial Taylor Rule.⁹⁷ The Board acknowledges that increasing the predictability of the paths of scenario variables in this way could reduce the dynamism of the stress test or incent firms to optimize their portfolios in ways that reduce capital requirements, perhaps without a commensurate reduction in risk. However, the guides and the model are constructed to remain flexible enough to ensure that the Board can adjust the severely adverse scenario to capture emerging risks and changes in the level of systemic risk since the previous stress test in a timely fashion. This flexibility includes the ability to increase scenario severity when systemic risks may have built up during robust economic expansions or periods when risk appetite is high or to avoid adding sources of procyclicality through the stress test. The proposal continues to ensure that the scenarios maintain a minimum severity level, even when economic and financial conditions are strained. Setting a floor for the severity of the scenario is appropriate because risks that built up during an economic expansion can persist at financial intermediaries during downturns and because firms that are under stress sometimes take imprudent risks that they believe will facilitate recovery.⁹⁸

The Board also considered that employing the guides or the macroeconomic model for stress testing sometimes may reduce the severity of some aspects of the scenario relative to what the currently less-constrained scenario design process would achieve,

and in other cases it may result in higher severity for some aspects of the scenario than might otherwise be the case. The flexibility in the guides should be sufficient for the Board to account for those eventualities by choosing offsetting values across multiple guides that create the appropriate overall severity of the scenario.

Question 40: What are the advantages and disadvantages of using guides and the macroeconomic model for stress testing to guide the setting of scenario variables in the severely adverse scenario? What, if any, alternatives to using a macroeconomic model to set the projection paths of other variables should the Board consider?

F. Scenario Design Principles Derived from Stress Testing Literature: Severity, Credibility, and Procyclicality

In designing the guides for the construction of the severely adverse scenario presented in this framework, the Board is informed by the stress testing literature, which provides certain principles for scenario design,⁹⁹ which are also reflected in the Board’s Stress Testing Policy Statement.¹⁰⁰ First, the literature emphasizes the need for adequately severe scenarios, even when the economy and financial system are in a stressed condition—complementing the Board’s principle of conservatism.¹⁰¹ Second, the literature offers insights on how historical data should inform the design of an adequately severe scenario, augmenting the Board’s recession approach. Third, the literature highlights the need for stress tests to avoid adding to other sources of procyclicality in the financial system. In explaining the paths for variables in the severely adverse scenario, the guides provide specific applications of these principles, while this introduction provides an overview of their general meaning and rationale.

The first principle derived from the literature concerns the need for sufficiently severe scenarios. Plainly, insufficient stress test severity can lead to adverse outcomes. Inadequately assessed risks lead to an underassessment of the associated credit losses and capital needs—the basic source of failures of many financial

institutions during the 2007–2009 financial crisis which the Board’s stress tests are meant to avoid. Frame et al. (2015) provide an in-depth analysis of how the assessment of risks (or stress test) conducted by the Office of the Federal Housing Enterprise Oversight (OFHEO) actually contributed to the failures of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac).¹⁰² Importantly, stress tests must be adequately severe both in good times and in bad.

In the context of stress testing during crises, in particular, there are additional arguments against insufficient stress test severity. Schuermann (2014) and Judge (2022) argue that insufficiently severe stress test scenarios can erode credibility and trust and impede timely and adequate policy responses to ongoing crisis developments, thereby exacerbating a downturn.¹⁰³ Bernanke (2013) also highlights that stress tests in times of crisis should provide anxious investors with credible information about prospective losses.¹⁰⁴ This literature points to the importance of sufficiently severe scenarios for the health of the financial system, including by maintaining credibility with the public and financial markets.

Further evidence for the importance of sufficiently stressful scenarios to maintaining public credibility comes from past U.S. stress tests. For example, the rapid deterioration in the U.S. economy in early 2009 led to realized unemployment rates that approached the peak of the unemployment rate path in the severely adverse scenario used for the Supervisory Capital Assessment Program (SCAP) in 2009.¹⁰⁵ In fact, the scenario peak for the unemployment rate hypothesized would reach only 8.9 percent at the end of 2009, but as of

¹⁰² See S. Frame, C. Gerardi, & P. Willen, *The Failure of Supervisory Stress Testing: Fannie Mae, Freddie Mac, and OFHEO*, Federal Reserve Bank of Boston Working Paper No. 15–4 (2015), <https://www.bostonfed.org/publications/research-department-working-paper/2015/the-failure-of-supervisory-stress-testing-fannie-mae-freddie-mac-and-ofheo.aspx>. OFHEO was the federal regulator of the government-sponsored mortgage agencies, Fannie Mae and Freddie Mac.

¹⁰³ K. Judge, “Stress Testing During Times of War,” *Handbook of Financial Stress Testing* (2022) (“Judge (2022)”).

¹⁰⁴ B. Bernanke, “Stress testing banks: What have we learned?,” Speech at the “Maintaining Financial Stability: Holding a Tiger by the Tail” Conference (2013) (“Bernanke (2013)”), www.federalreserve.gov/newsevents/speech/bernanke20130408a.htm.

¹⁰⁵ See, e.g., E. Andrews & E. Dash, “Government Offers Details of Bank Stress Test,” *N.Y. Times* (Feb. 25, 2009), <https://archive.nytimes.com/www.nytimes.com/indexes/2009/02/26/todayspaper/index.html>.

⁹⁶ This approach is consistent with how the Board has designed recent stress test scenarios. See *id.* at 6659.

⁹⁷ See <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>.

⁹⁸ See J. Peek & E. Rosengren, *Unnatural Selection, Perverse Incentives and the Misallocation of Credit in Japan*, 95 *Am. Econ. Rev.* 1144–66 (2005).

⁹⁹ Some of the well-known contributions are T. Schuermann, *Stress Testing Banks*, 30 *International Journal of Forecasting* 717–28 (2014) (“Schuermann (2014)”); and N. Liang, *Well-Designed Stress Test Scenarios Are Important for Financial Stability*, *Brookings Institution Paper* (Feb. 2, 2018) (“Liang (2018)”), <https://www.brookings.edu/articles/well-designed-stress-test-scenarios-are-important-for-financial-stability>.

¹⁰⁰ See 12 CFR 252, Appendix B.

¹⁰¹ *Id.*

March 2009 the unemployment rate measured 8.5 percent and ultimately the unemployment rate peaked at 10 percent in October of 2009.¹⁰⁶ Because the results of the SCAP determined the amount of capital that firms needed to raise in financial markets or through the Treasury's Capital Assistance Program, a scenario that turned out to be insufficiently severe could have left some firms undercapitalized and failed to achieve the goal of stabilizing the financial system.¹⁰⁷

This example helps demonstrate the importance of the principle of severity when considering historical data and current conditions in the construction of an adequately severe scenario. While unemployment rates are discussed at length in the unemployment guide below, the maximum level of 8.9 percent specified in the 2009 SCAP, at the time, was well beyond the level reached in most post-war recessions. At the time the scenario was issued, a projected increase to 8.9 percent was thus very severe compared to outcomes over the past quarter century, but nonetheless proved lower than the actual realized peak in 2009.

That experience reinforces the need for the framework to support variable paths that exceed levels observed in the historical data. Choosing a historical scenario has a price—"it does not test for anything new."¹⁰⁸ While the recession approach dictates that variable movements follow historical recessions, when current conditions are already extreme, a credible scenario may replicate historical recessions in terms of the size of movements previously observed, leading to levels of variables that may exceed historical levels. Several of the guides in this framework allow, at times, for variables to exceed their historical range, either in levels or in changes, in order to maintain adequate severity.

Ultimately, no single scenario can account for all potential contingencies.

Therefore, the severely adverse scenario used in the Board's annual stress test must be sufficiently severe to ensure that banks will be resilient to a range of alternative and plausible scenarios that could generate net losses that are of similar magnitudes.¹⁰⁹

At the same time, the Board recognizes that the severity of the annual stress tests potentially can have unintended effects on firms' operations. For instance, the academic literature finds that stress tests improve financial stability by reducing riskier bank lending.¹¹⁰ Ensuring that firms are appropriately capitalized for the risks they are taking is a goal of stress testing; however, if those effects are not well aligned with the true riskiness of a particular type of loan, then stress tests could unintentionally reduce banks' credit supply. For instance, some evidence exists that counties in which stress tested banks had high market share may have experienced a lower supply of credit to small and young businesses, which are generally considered riskier than established businesses but can generate a disproportionate share of growth in employment and income.¹¹¹ However, other research concludes that businesses largely offset the reduction in loans from banks that participate in the stress tests with other sources of credit. Those sources include loans from smaller banks not in the stress tests,¹¹² debt issuance in capital markets, or loans from nonbank financial institutions.¹¹³ Moreover, these potential unintended effects on credit supply by stress tested firms must be weighed against the benefits, discussed above, that more credible stress tests bring to the economy and the financial system. By ensuring that firms have sufficient quantity and quality of loss-absorbing capital to cover the risks that they are taking, the stress tests ensure the resilience and stability of the banking sector even in circumstances when stresses take unexpected forms.

The balance of those advantages and disadvantages of scenario severity can change over time. Losses at financial institutions are more likely to arise when the economy slows. Profits are more robust during periods of economic growth, in turn increasing resources available to cover future losses. In other words, capital is naturally procyclical, having an underlying tendency towards a positive correlation with financial conditions. Moreover, when underlying conditions are favorable and firm losses are low, firms sometimes project forward an expectation for low losses, paving the way to take more risk.¹¹⁴ Conversely, when conditions are bad, firms may overcompensate and restrict credit even to otherwise creditworthy borrowers, exacerbating the downturn. Thus, firms' behavior may amplify underlying procyclicality.

Stress tests could, through different designs, either amplify or mitigate this procyclicality. If stress tests are always more severe in bad times, despite an expectation that conditions could soon improve, then this severity would add undue stress to the financial system, reducing financial intermediation with negative implications for the macroeconomy. That said, the purpose of the stress test scenarios is not to serve as an explicit countercyclical offset to the financial system, but rather to ensure that the firms are properly capitalized to withstand severe economic and financial conditions. Hence, the Board adopts a middle path, seeking to specify the severely adverse scenario to avoid adding sources of procyclicality to the financial system, neither explicitly mitigating any existing procyclical tendencies nor magnifying them. Indeed, Kohn and Liang (2019) argue that the ability to adjust elements that potentially add procyclicality can be a major benefit of stress tests as "banks with forward-looking, less-procyclical capital buffers will not pull back as much when a downturn occurs."¹¹⁵

In summary, in formulating the guides presented in this framework, the Board embraces three principles suggested by the literature: the importance of severity, the importance of credibility,

¹⁰⁶ A similar concern related to insufficient scenario severity followed the announcement of the European Union's stress tests in 2018, with the criticism that the assumptions were milder than conditions in the 2007–2009 financial crisis. See F. Guarascio, "EU's 2018 Stress Test too Mild, Spared Weaker States—Auditors", Reuters (Jul. 10, 2019), <https://www.reuters.com/article/business/eus-2018-bank-stress-test-too-mild-spared-weaker-states-auditors-idUSKCN1U5113/#:~:text=The%20auditors%20said%20last%20year's,their%20risk%20rather%20than%20size.>

¹⁰⁷ An explanation of the synergy between the SCAP and CAP is available here: Supervisory Capital Assessment Program & Capital Assistance Program (SCAP and CAP), U.S. Department of the Treasury, <https://home.treasury.gov/data/troubled-assets-relief-program/bank-investment-programs/scap-and-cap>.

¹⁰⁸ See Schuermann (2014), *supra* note 99.

¹⁰⁹ See Liang (2018), *supra* note 99.

¹¹⁰ V. Acharya, A. Berger, & R. Roman, *Lending implications of U.S. bank stress tests: Costs or benefits?*, 34 J. Fin. Intermediation 58–90 (2018).

¹¹¹ See S. Doerr, *Stress Tests, Entrepreneurship, and Innovation*, 25 Rev. of Fin. 1609–1637 (Sep. 2021), <https://doi.org/10.1093/rof/rfab007>.

¹¹² See K. Cortés et al., *Stress tests and small business lending*, 136 J. Fin. Econ. 260–279 (2021) ("Cortés (2021)").

¹¹³ See J. Berrospide & R. Edge, *Bank capital buffers and lending, firm financing and spending: What can be learned from five years of stress test results?*, 57 J. Fin. Intermediation 1010–61 (2024) ("Berrospide (2024)"); T. Davydiuk, T. Marchuk, & S. Rosen, *Direct lenders in the U.S. middle market*, 162 J. Fin. Econ. (2024) 103946 ("Davydiuk (2024)").

¹¹⁴ See A. Berger & G. Udell, *The institutional memory hypothesis and the procyclicality of bank lending behavior*, 13 J. Fin. Intermediation 458–495 (2004) ("Berger (2004)"); A. Greenspan, "Challenges facing community banks," Remarks before the Independent Community Bankers of America (Mar. 8, 2000) ("Greenspan (2000)"), <https://www.federalreserve.gov/boarddocs/speeches/2000/20000308.htm>.

¹¹⁵ D. Kohn & N. Liang, *Understanding the Effects of the U.S. Stress Tests*, Brookings Institute (Jul. 2019), <https://www.brookings.edu/articles/understanding-the-effects-of-the-u-s-stress-tests/>.

and the importance of not adding to procyclicality.

Stress Testing Literature and the Principle of Flexibility

When considering these principles in light of the recession approach and the scenario narrative, the Board identified the importance of maintaining flexibility in the guides. While the Board intends to increase the transparency, public accountability, and predictability of stress tests through this proposal, these goals should not come at the expense of the overall effectiveness of the Board's stress tests.

For instance, predictability and transparency could be achieved with a completely specified, entirely formulaic scenario that leaves no flexibility. However, simple, fixed guides may not achieve at least one of the goals of severity, credibility, or not adding to procyclicality. A guide that always increased unemployment to a fixed level, say 10 percent, may not be credible or severe were the unemployment rate already at or close to that level. A guide that always increased unemployment by a fixed amount, say 4 percent, could add to procyclicality by implying lower losses when unemployment was low in good times and higher losses when unemployment was high in bad times. More sophisticated formulations might improve on simple rules by accounting for the factors affecting firms' balance sheets and overall economic and financial conditions. For many types of economic indicators used in the Board's scenario framework, however, a fixed rule for the design of a scenario variable that satisfied the principles related to procyclicality and severity laid out above could require a complex structure that would violate the Board's principle of simplicity.¹¹⁶

A lack of simplicity is not, however, the only concern with a framework that eliminates flexibility. Unexpected shocks occur, like oil embargoes, national house price collapses, and pandemics. Moreover, the implications of these shocks are often not readily captured in concurrent data, especially their future effects on the economy and financial stability in the United States, and so on firms' future financial condition. Maintaining a degree of flexibility would allow the scenarios to adapt to evolving conditions while adhering to the principles outlined above.

In specifying the guides in this framework, the Board seeks to maintain flexibility by specifying ranges for the peak or trough value, the timing of that value, or the speed of adjustment for many of the variables. The amount of flexibility in the guides, as measured by the size of ranges specified, is calibrated to be as narrow as possible while adhering to the principles laid out above and is based on research and analysis of the behavior of those variables during past recessions, consistent with the recession approach, or periods of stress in financial markets. In addition to suggesting typical ranges within which scenarios will vary, the Board seeks to provide explanations of how the guide flexibility would be applied in different economic and financial conditions.

Generally speaking, the Board would design a more severe path for the scenario variables when it judged the level of systemic risks to be high, and a less severe path for the scenario variables when it judged systemic risks to be low. In some cases, the level of systemic risk can be tied to the level of specific indicators. For instance, when the unemployment rate is very high, the level of risk aversion also tends to be high, and that causes firms to reduce risk across their various business lines. In other cases, the Board would consider overall assessments by economists, supervisors, and financial market experts to assess the level of systemic risks, which typically incorporate many of the specific indicators mentioned in the discussions of individual guides below, when it is difficult to do so using individual or small sets of scenario variables.¹¹⁷

Therefore, the Board expects that it may choose to have similar severities for variable values in an annual scenario for those variables where the Board retains discretion within established ranges of the proposed guides. This expectation reflects the Board's consistent view that annual scenarios are not forecasts of potential future outcomes in the baseline or in a hypothetical stress environment. Establishing variable values with similar severity levels enhances the transparency and predictability of the annual scenarios, and reflects an expectation that these variables are likely to experience stress concurrently in a hypothetical stress scenario. As discussed below, if the Board were to determine that a specific salient risk should be addressed in a particular annual stress test, it would

provide a specific assessment of that risk and the rationale for an alternative calibration of the variable's severity in the scenario disclosure for comment.

While flexibility allows scenarios to adapt to fast-evolving conditions, the guides in this framework are based on long-lasting structural features of the economy. Macroeconomic history, however, features many examples where new data have contradicted long-held beliefs about underlying structural relationships. Also, the financial system is constantly evolving, presenting new risks and vulnerabilities. The relatively narrow ranges in the guides may not always allow for a fulsome response by the scenarios to significant developments. Therefore, the Board also sets out expectations for circumstances that could require additional flexibility in setting the specifications of the variables in the stress tests, so that the public can anticipate where the Board could adopt a specification that differs from those identified in the guides in this proposal. For instance, if events occur that alter the historical severity of a given variable, the Board could incorporate that data in its evaluation of the appropriate path for a given variable in annual scenarios that occur following such an event. The Board continuously monitors the macroeconomy and the financial system. If ongoing developments warrant, the Board may revisit this framework and adjust guides.

Finally, the increased predictability and transparency of the scenario as specified in this framework may allow firms to adjust their portfolios to reduce capital requirements, perhaps without a commensurate reduction in risk. While the Board acknowledges this possibility, the Board expects that the principle of severity embraced in this framework will produce scenarios that adequately test such risks. Flexibility is maintained to allow scenarios to adapt to evolving conditions, not to reduce predictability and transparency. Indeed, the ranges of flexibility specified, especially when considered alongside the guidance offered regarding the conditions under which that flexibility might be employed, result in highly transparent and predictable scenario paths. Overall, the Board finds that the degree of flexibility and the goals of transparency and predictability are well balanced by this proposal, given the other requirements for designing effective and credible stress tests.

Summary of Scenario Design Principles

In formulating the guides presented in this framework, the Board is proposing to continue to use a recession approach,

¹¹⁶ Alongside conservatism, simplicity is one of the Board's principles for supervisory stress testing. See 12 CFR 252, Appendix B.

¹¹⁷ For examples of relevant statistical analyses, see, e.g., V. Acharya et al., *Measuring Systemic Risk*, 30 Rev. of Fin. Studies 2–47 (Jan. 2017); T. Adrian & M. Brunnermeier, *CoVaR*, 106 Am. Econ. Rev. 1705–41 (Jul. 2016).

where the severely adverse scenario reflects conditions that characterize post-war U.S. recessions. To implement this approach, the Board adopts a specific scenario narrative in which a severe shock to financial markets propagates through the economy and results in a severe, prolonged recession most similar to that of the 2007–2009 financial crisis. The Board provides a qualitative description of the scenario informing the hypothetical recession that the scenario reflects. In choosing specific scenario paths, the Board recognizes a need for the scenario to be adequately severe and credible, and to avoid adding to procyclicality.¹¹⁸ Finally, in this pursuit, the guides maintain a degree of flexibility to adapt to evolving economic and financial conditions. The Board continues to expect that there will be some important instances when it will be appropriate to augment the recession approach with salient risks and to set variables' values inside of, and in some cases, outside of the ranges and values provided in the guides in the Scenario Design Policy Statement.

Question 41: What are the advantages and disadvantages of selecting the scenario design principles described in this section? Are there other principles that the Board should weigh along with these principles? Should the Board develop guidance for how it would weigh these principles in selecting values in annual scenario narratives?

Question 42: What considerations should the Board evaluate when determining whether to set a given scenario variable independently of other variables in the annual scenario, or at similar levels of severity across multiple variables?

Common Components of Scenario Path Guides

The guides in this framework set out paths for each variable over the 13 quarters in the severely adverse scenario. The stress test requires projections of 13 quarters worth of losses to determine capital ratios at the end of 9 quarters of the scenario,

because loss provisions in quarter 9 are affected by firm performance in quarters 10 to 13. To describe these paths, most guides adopt a simple framework involving the following four parameters: the jump-off; the peak or trough; the timing of the peak or trough; and the trajectory from jump-off to peak or trough. The purpose of publishing these components is to increase the transparency and public accountability of the stress test scenario by communicating how the variable would behave throughout the scenario period. In calibrating these parameters, the guides explain their rationale in applying the recession approach along with the scenario narrative and the three principles for scenario design described above. These parameters are described as follows:

Jump-off: Jump-off values are important for informing the overall state of the economy in the scenarios, often affecting the specific levels achieved by the other parameters of the variable guide and informing the exercise of flexibility as specified in the guides. In the scenario, the jump-off value is the value of the variable in the quarter preceding the scenario. For most variables, the jump-off value is easily determined from published data at the time the scenario is released to the public. However, for some variables the jump-off value is not available prior to the date that the Board must finalize the annual scenarios for publication, so an estimate is used; these details are described in the individual guides. A separate issue involves choosing the appropriate historical jump-off date in the Board's analysis underlying the calibration of the guides. In many cases, stresses developed over time and a specific jump-off date or quarter for a particular period of stress may not be clearly identifiable. For instance, the 2007–2009 financial crisis had multiple newsworthy events—the suspension of redemptions from money market mutual funds by BNP Paribas in August 2007, the failure of Bear Stearns in February 2008, and the bankruptcy of Lehman Brothers in September 2008. Therefore, the Board uses a range of quarters around the beginning of an identified recession or period of market stress to determine the jump-off values. The Board determined that using the most extreme value of the variable in the four quarters before, and the first quarter of, the National Bureau of Economic Research (NBER) recession date or documented financial stress event as the starting point for the analysis supporting the calibration of the severity of the guides was most

consistent with the Board's stress testing principle of conservatism. Each guide provides further details on selection of relevant reference periods.

Peak or trough: The paths in the guide specify that each variable in the scenario will either increase or decrease from its jump-off value. If it increases, it will reach a maximum or peak value during the scenario. If it decreases, it will reach a minimum or trough value during the scenario. For example, during the scenario, unemployment initially increases to a peak value, while house prices decrease to a trough value. Each guide provides details on how the Board expects to determine the level of this peak or trough and the rationale for this determination. In general, more extreme values are more stressful, and the specific levels of the peak or trough often depend on the jump-off values in line with the principles of severity, credibility, and not adding to procyclicality.

Trajectories from jump-off to peak or trough: This parameter describes the values between the jump-off and peak or trough with a straight line (linear) function, a nonlinear function, or by specifying the proportion of the change from jump-off to peak or trough that will obtain in each of the intervening quarters. Two further notes on trajectories: first, trajectories are frequently described as either frontloaded, meaning that larger changes occur earlier in the trajectory, or backloaded, meaning that larger changes occur later in the trajectory. Depending on the variable, frontloading and backloading affect the overall severity of the scenario by having stressful changes earlier or lasting longer. The individual guides discuss this issue. Second, while several of the guides specify precise mathematical formulas for trajectories, for example linear (straight line) trajectories, rounding conventions—such as rounding to the first decimal place—for the published scenario may result in small differences from the result specified by the underlying formula. These rounding conventions result in small changes to scenario variables that tend not to affect overall severity. Instead, such rounding conventions are meant to help simplify the communication of the scenario to the public.

The Board also considered the appropriate trajectory of variables after they reach the peak or trough and the appropriate end value. This analysis confirmed that the range of end values used in past stress tests are generally supported by historical analysis combined with the stress testing

¹¹⁸ Assumptions that are meant to avoid adding procyclicality may add a degree of uncertainty to the path of the stress test scenario, relative to an assumption that is neutral to current economic conditions. However, the proposed variable guides and the model used to design the macroeconomic scenario would promote the predictability of the scenario and would help reduce year-to-year volatility of the stress test and the resulting capital requirements. This flexibility is particularly useful for the Board when the economy enters a recession and the credit quality of the banks' borrowers deteriorates, because a less-flexible scenario design framework could result in a significantly larger increase in capital requirements and hence a further drag on economic activity relative to the previous year than would the proposed framework.

principle of conservatism. The end value describes the value of the variable in the last (13th) quarter of the scenario. In applying the recession approach to calibrating end-values, the Board considers the values of a variable within a 10–15 quarter window after the beginning of the recession or other identified financial stress event, instead of simply taking the value of the variable in the 13th quarter. This range of values allows the Board to better assess outliers or other interactions between the data and the annual scenario narrative than other calibration methods. This flexibility also helps accommodate choices that account for the highly variable lengths of historical recessions. The Board expects that for most variables determined by guides, the recovery trajectories between the peak or trough and end value typically should follow a roughly linear path that proportionally allocates the change across the relevant time remaining to the end of the scenario. A roughly linear recovery reflects a preference for simplicity and transparency. For variables determined by the Board's macroeconomic model for stress testing, the end values and related trajectory from the peak or trough generally will be determined by the model.

Timing of peak or trough: The guides for each variable set out the quarter of the scenario in which the variable path reaches its peak or trough. Generally, these occur earlier for fast moving variables and later for slow moving variables. Depending on the variable, either earlier or later timing may be more stressful, and there may be some flexibility in the timing of the peak or trough.

In developing this framework, the Board considered a number of alternative specifications, both for specific variables and for the overall approach. Some of these alternatives are described in greater detail within the discussion of each proposed guide in Section IX.G of this Supplementary Information.

As described in the Scenario Design Policy Statement, the Board considered alternatives to the recession approach for the overall design of the severely adverse scenario, including a probabilistic approach. The probabilistic approach would construct a baseline forecast from a large-scale macroeconomic model and identify a scenario that would have a specific probabilistic likelihood, given the baseline forecast. The Board believes that, at this time, the recession approach is better suited for developing the severely adverse scenario than a probabilistic approach because it

guarantees a recession of some specified severity. In contrast, the probabilistic approach requires the choice of an extreme tail outcome—relative to baseline—to characterize the severely adverse scenario (e.g., a five percent or a one percent tail outcome). In practice, this choice is difficult as adverse economic outcomes are typically thought of in terms of how variables evolve in an absolute sense rather than how far from the baseline they lie in the probability space. In this sense, a scenario featuring a recession may be somewhat clearer and more straightforward to communicate. Finally, the probabilistic approach relies on estimates of uncertainty around the baseline scenario and such estimates are in practice model-dependent.

The Board also considered two types of alternative specifications for each of the guides. First, the Board considered a more-prescriptive approach, in which the guides set a typical peak or trough value and a specific quarter in which that value would obtain, usually either at the most severe end of the range specified in the proposed guide or at the mid-point of the range. A guide set at the most severe end of the range would be consistent with the principle of conservatism and provide a high degree of transparency and predictability. In contrast, the lack of flexibility in such a guide would reduce the ability of the Board to respond appropriately to risks that are apparent in relevant indicators of economic and financial conditions and could potentially add to procyclical forces during economic booms or stressful periods. A guide benchmarked to the midpoint of the range might not be credible during periods of high vulnerability, while still being too severe when stresses were already present.

Second, the Board considered that guides could have larger ranges for the potential peak or trough values or the timing of the peak or trough than the proposed guides. Larger ranges would increase the Board's ability to capture risks that are apparent in relevant indicators of economic and financial conditions and to adjust to procyclical forces but would be less predictable and transparent. In general, the Board expects the lower end of the range chosen for the proposed guides to represent the least amount of stress that would be deemed credible, while the higher end of the ranges already reflects the most severe plausible realizations of the variable. The proposed ranges for the guides are benchmarked to historical experience while still providing some ability to move beyond the upper or lower end of the historical range if

circumstances dictate. In consideration of these factors and the principles discussed above in this section, therefore, the Board expects that the disadvantages from the loss of transparency and predictability from guides with larger ranges generally would be larger than the advantages stemming from more flexibility in the wider ranges of such guides.

In each case, the proposed and some specific examples of alternative guides are both discussed. While the Board views the alternative guides as reasonable, the proposed guides have significant advantages over the considered alternatives. However, the purpose of the alternative guide discussion is to invite comment on a reasonable alternative considered by the Board and to transparently lay out the Board's present decision making in not adopting it.

Question 43: What are the advantages and disadvantages of the alternative guides? Should the Board consider adopting any of the alternative guides? What, if any, other guides should the Board consider in addition to the alternative guides considered?

G. Description of Variable Guides in the Severely Adverse Scenario

Unemployment Rate

The stress test scenarios set out trajectories for several variables, including the unemployment rate of the civilian non-institutional population aged 16 and over (unemployment rate).¹¹⁹ As described in the previous sections, the Board intends to use a recession approach to develop the severely adverse scenario. The most common features of recessions are increases in the unemployment rate and contractions in aggregate incomes and economic activity. For this and the following reasons, the Board intends to use the unemployment rate as the primary basis for specifying the severely adverse scenario. First, the unemployment rate is likely the most representative single summary indicator of adverse economic conditions. Second, in comparison to GDP, labor market data have traditionally featured more prominently than GDP in the set of indicators that the NBER reviews to inform its recession dates.¹²⁰ Third and finally, the growth rate of potential output can cause the size of the decline

¹¹⁹ The Board uses the quarterly average of seasonally adjusted monthly unemployment rates for the civilian, non-institutional population aged 16 years and older series from the Bureau of Labor Statistics (series LNS14000000).

¹²⁰ More recently, a monthly measure of GDP has been added to the list of indicators.

in GDP to vary between recessions. While changes in the unemployment rate can also vary over time due to demographic factors, this seems to have more limited implications over time relative to changes in potential output growth. The unemployment rate used in the severely adverse scenario will reflect an unemployment rate that has been observed in *severe* post-war U.S. recessions, measuring severity by changes in the unemployment rate and GDP.¹²¹

The Board uses a quarterly average of the monthly unemployment rate data in the stress test scenarios. The Board uses a quarterly average of unemployment for several reasons. Unemployment and, importantly, related variables such as disposable income (discussed below)

can feature volatility at higher frequencies unrelated to underlying market conditions (e.g., unexpected weather events or a baseline level of statistical variation in the survey responses); quarterly averages smooth out the volatility that is present at monthly frequencies. Overall, using quarterly averages strikes a balance between being sensitive enough to capture broader economic trends and stable enough to avoid overreaction to short-term fluctuations. The Scenario Design Policy Statement outlines certain information regarding the peak level and timing of the peak level of the unemployment rate for the severely adverse scenario.¹²² This proposed guide conforms with and expands on that statement, providing greater

predictability, transparency, and specificity with regards to the trajectory to peak value. The remainder of this section is outlined as follows. An overview of the unemployment guide components is given in Table 4. This is followed by a reiteration of the Scenario Design Policy Statement which describes the peak component of the unemployment rate and its timing. After that, a discussion of the trajectory to peak value is provided.

The purpose of publishing these components is to increase the predictability, public accountability, and transparency of the stress test scenario by communicating how the variable will behave throughout the scenario period.

Table 4: Summary of Proposed Unemployment Guide

Component	Proposed Guide
Peak Value	The greater of (i) 3 to 5 percentage points above the jump-off value, or (ii) 10 percent.
Peak Value Timing	6 to 8 quarters after jump-off.
Trajectory to Peak Value	High initial changes with smaller subsequent changes.

¹²¹ Even though all recessions feature increases in the unemployment rate and contractions in incomes and economic activity, the size of this change has varied over post-war U.S. recessions. Table 5 documents the variability in the depth of post-war U.S. recessions. There is no universal agreement on

how to categorize recession severity. For the purposes of this guide, the following categorization is employed: Recessions where the decline in real GDP and the increase in the unemployment rate are less than 1.5 percent or 1.5 percentage points, respectively, are considered mild; recessions where

the decline in real GDP is 2.5 percent or more, or the increase in the unemployment rate is 3 percentage points or more, are considered severe; all other recessions are considered moderate.
¹²² Peak level represents the maximum value achieved during the scenario.

Table 5: Classification of U.S. Recessions

Peak ⁽¹⁾	Trough ⁽²⁾	Severity ⁽³⁾	Duration in quarters and duration category ⁽⁴⁾	Decline in real GDP (percent) ⁽⁵⁾	Change in the unemployment rate during the recession ⁽⁶⁾	Total change in the unemployment rate (incl. after the recession) ⁽⁷⁾
1957Q3	1958Q2	Severe	4 (Medium)	-3.0	3.2	3.2
1960Q2	1961Q1	Moderate	4 (Medium)	-0.1	1.6	1.8
1969Q4	1970Q4	Moderate	5 (Medium)	-0.2	2.2	2.4
1973Q4	1975Q1	Severe	6 (Long)	-3.1	3.5	4.1
1980Q1	1980Q3	Moderate	3 (Short)	-2.2	1.4	1.4
1981Q3	1982Q4	Severe	6 (Long)	-2.5	3.3	3.3
1990Q3	1991Q1	Mild	3 (Short)	-1.4	0.9	1.9
2001Q1	2001Q4	Mild	4 (Medium)	0.5	1.3	1.9
2007Q4	2009Q2	Severe	7 (Long)	-3.8	4.5	5.1
2019Q4	2020Q2	Severe	3 (Short)	-9.2	9.4	9.4
Average	Severe		5	-4.3	4.8	5
Average	Moderate		4	-0.8	1.7	1.9
Average	Mild		3	-0.4	1.1	1.9

Notes: (1) Peak refers to a peak quarter of the business cycle as defined by the NBER US Business Expansions and Contractions; (2) Trough refers to a trough quarter of the business cycle as defined by the NBER US Business Cycle Expansions and Contractions; (3) There is no universal agreement on how to categorize recession severity. For the purposes of this guide, the following categorization is employed: Recessions where the decline in real GDP or the increase in the unemployment rate are less than 1.5 percent or 1.5 percentage points, respectively, are considered mild; recessions where the decline in real GDP is 2.5 percent or more, or the increase in the unemployment rate is 3 percentage points or more, are considered severe; all other recessions are considered moderate; (4) Recession duration is categorized as follows: <4 quarters, short; 4-5 quarters, medium; >5 quarters, long; (5) Real GDP is real GDP adjusted for inflation from the Bureau of Economic Analysis (National Income and Product Accounts table 1.1.6, line 1); (6) Unemployment rate is the quarterly average of seasonally adjusted monthly unemployment rates for the civilian, non-institutional population aged 16 years and older from Bureau of Labor Statistics (series LNS14000000); (7) Total change in the unemployment rate (incl. after the recession) calculates the difference between the maximum unemployment rate achieved during the NBER-defined recession period or the subsequent six quarters and the value of the unemployment rate during the peak quarter.

a. Peak Value and Timing of Peak

The Board is proposing to retain the guide established in the Scenario Design Policy Statement, with some additional explanations provided here. The Board anticipates that the severely adverse scenario will feature an unemployment rate that increases between 3 to 5 percentage points from its initial level over the course of 6 to 8 calendar quarters.¹²³ The initial level will be set based on the conditions at the time that

the scenario is designed. However, if a 3 to 5 percentage point increase in the unemployment rate does not raise the level of the unemployment rate to at least 10 percent—the average level to which it has increased in severe recessions—the path of the unemployment rate in most cases will be specified so as to raise the unemployment rate to at least 10 percent.

This methodology is intended to generate scenarios that feature stressful outcomes but do not add to procyclicality in the financial system and macroeconomy.¹²⁴ When the

economy is in the early stages of a recovery, the unemployment rate in a baseline scenario generally trends downward, resulting in a larger difference between the path of the unemployment rate in the severely adverse scenario and the baseline scenario, resulting in a severely adverse scenario that is relatively more intense. Conversely, in a sustained strong expansion—when the unemployment rate may be below the level consistent with full employment—unemployment

¹²³ Six to eight quarters is the average number of quarters for which a severe recession lasts plus the average number of subsequent quarters over which the unemployment rate continues to rise. The variable length of the timeframe reflects the different paths to the peak unemployment rate depending on the severity of the scenario.

¹²⁴ For a discussion on the benefits of adequate severity, see, e.g., Judge 2022, *supra* note 103. For

a discussion on the benefits of avoiding adding sources of procyclicality to the financial system, see, e.g., D. Kohn & N. Liang, *Understanding the Effects of the U.S. Stress Tests*, Brookings Institute (Jul. 2019), <https://www.brookings.edu/articles/understanding-the-effects-of-the-u-s-stress-tests/>.

in a baseline scenario generally trends upward, resulting in a smaller difference between the path of the unemployment rate in the severely adverse scenario and the baseline scenario, resulting in a severely adverse scenario that is relatively less intense. Historically, a 3 to 5 percentage point increase in the unemployment rate is reflective of stressful conditions. As illustrated in Table 5, over the last half-century, the U.S. economy has experienced five severe post-war recessions. In all of these recessions excluding COVID-19, the unemployment rate increased 3 to 5 percentage points, and in the three most recent of these recessions excluding COVID-19, the unemployment rate reached a level between 8 percent and 11 percent.¹²⁵

Under this method, if the initial unemployment rate were low—as it would be after a sustained long expansion—the unemployment rate in the scenario would increase to a level as high as what has been seen in past severe recessions. However, if the initial unemployment rate were already high—as would be the case in the early stages of a recovery—the unemployment rate would exhibit a change as large as what has been seen in past severe recessions.

The Board expects that the typical increase in the unemployment rate in the severely adverse scenario will be about 4 percentage points. However, as discussed in Section IX.F of this Supplementary Information, the Board expects to calibrate the increase in unemployment based on its views of the status of cyclical systemic risk. More specifically, the Board would be more likely to set the unemployment rate at the higher end of the range if the Board expects that cyclical systemic risks are high (as it would be after a sustained long expansion), and alternatively would be more likely to set the unemployment rate to the lower end of the range if cyclical systemic risks are low (as it would be in the earlier stages of a recovery), provided doing so remained consistent with the goal of ensuring that firms were properly capitalized to withstand severe economic and financial conditions. This may result in a scenario that is slightly more intense than normal if the Board expects that cyclical systemic risks were increasing in a period of robust expansion.¹²⁶

¹²⁵ The unemployment rate was 8 percent in 1975Q1, 11 percent in 1982Q4, and 9 percent in 2009Q2.

¹²⁶ Note, however, that the severity of the scenario would not reach an implausible level: even at the upper end of the range of unemployment-rate increases, the path of the unemployment rate would

Conversely, it would also allow the Board to specify a scenario that is slightly less intense than normal in an environment where systemic risks appeared subdued, such as in the early stages of a recovery. This choice would consider that the scenario does not add unduly to remaining stress, thereby exacerbating the initial adverse shock, and it would be particularly appropriate if the Board judges that firms are already taking steps to reduce their risk—for instance, by potentially restricting lending to otherwise qualified borrowers. The Board expects that, in general, it would adopt a change in the unemployment rate of less than 4 percentage points when systemic risks are low or receding. This might be the case when, along with other factors, the unemployment rate at the start of the scenarios is elevated but the labor market is judged to be strengthening and higher-than-usual credit losses stemming from previously elevated unemployment rates were already realized—or are in the process of being realized—and thus removed from firms' balance sheets.¹²⁷ However, even at the lower end of the range of unemployment-rate increases, the scenario would still be expected to feature an increase in the unemployment rate similar to what has been seen in about half of the severe recessions of the past 50 years.

As indicated previously, if a 3 to 5 percentage point increase in the unemployment rate does not raise the level of the unemployment rate to 10 percent—the average level to which it has increased in severe recessions—the path of the unemployment rate will be specified so as to raise the unemployment rate to 10 percent. Setting a floor for the unemployment rate at 10 percent recognizes the fact that not only do cyclical systemic risks build up at financial intermediaries during robust expansions, but also that these risks are easily obscured by a buoyant environment.¹²⁸

In setting the increase in the unemployment rate, the Board will consider the extent to which analysis by

still be consistent with severe post-war U.S. recessions. However, historical values need not serve as a binding upper bound for the scenario peaks as discussed in the introductory section of this proposal.

¹²⁷ Evidence of a strengthening labor market could include declines in weekly initial claims for unemployment, a declining unemployment rate, steadily expanding nonfarm payroll employment, or improving labor force participation. Evidence that credit losses are being realized could include elevated charge-offs on loans and leases, loan-loss provisions in excess of gross charge-offs, or losses being realized in securities portfolios that include securities that are subject to credit risk.

¹²⁸ See *supra* note 114.

economists, supervisors, and financial market experts finds cyclical systemic risks to be elevated (but difficult to be captured more precisely in one of the scenario's other variables).¹²⁹ In addition, the Board—in light of potential impending shocks to the economy and financial system—expects to also take into consideration the extent to which a scenario of some increased severity might be necessary for the results of the stress test and the associated supervisory actions to sustain public confidence in financial institutions. Some indicators that would inform the Board's decision would be the growth rate of real GDP and its trajectory in recent quarters as well as leading economic indicators, such as equity prices as these measures provide a broader perspective on the state and direction of the economy. Consistent with the Scenario Design Policy Statement, the Board is mindful of sources of procyclicality in the financial system and in designing the severely adverse scenario. While the Board designs the stress test scenarios to promote the proper capitalization of firms, the scenarios are not intended to serve as an explicit countercyclical offset to the financial system.¹³⁰

Alternative Peak Guide Options

In preparing this proposal, the Board considered a guide that would choose a peak level for unemployment that is 4 percentage points higher than the jump-off value or 10 percent, whichever is higher. This alternative has the advantage of being simpler, more predictable, and more transparent than the guide choice. The Board views this alternative guide to be less desirable as it is less flexible and may end up being inadequately severe. Furthermore, such lack of flexibility could potentially add to scenario procyclicality. For example, in periods with already highly elevated unemployment rates above 7 percent, this alternative could result in unemployment rates of historically high levels at times when economic conditions were already depressed.

Instead, the current guide, specifying the greater of an increase of 3 to 5 percentage points or 10 percent, acknowledges that the Board would be unlikely to consider larger changes in unemployment when its rate is already highly elevated. As discussed in Section IX.F of this Supplementary Information, when the underlying conditions are favorable and firm losses are low, firms may project these tendencies forward,

¹²⁹ For relevant analyses, see *supra* note 117.

¹³⁰ See 12 CFR 252, Appendix A.

paving the way to take more risk.¹³¹ Similarly, as discussed previously, the ability to adjust elements that potentially add procyclicality can be a major benefit of stress tests.¹³²

b. Trajectory to Peak

The Board anticipates that the severely adverse scenario would feature a trajectory to the peak unemployment rate that initially increases quickly with slower incremental increases. The trajectory to peak will have a concave parabolic path starting from the value in the economy at the beginning of the scenario and reaching a peak at between 6–8 quarters.¹³³ This approach for the trajectory to peak reflects several considerations. First, this trajectory to peak features larger increases in unemployment in the early quarters of the scenario, reflecting a rapid and deep deterioration in labor market conditions, in line with the scenario narrative discussed above and consistent with the principle that the severely adverse scenario be highly stressful as a rapid increase gives firms less time to adapt to changes. Second, this trajectory to peak is consistent with theoretical economic models which often share the feature that the response of unemployment to a shock features initially large increases in unemployment with decreasing incremental changes up to the peak.¹³⁴ Empirically, this general pattern can be seen, for example, in the impulse response function illustrated in the first panel of Figure 2 in the FEDS Note that evaluates empirical regularities in variable co-movement in stress test scenarios.¹³⁵ Third, while all recessions have differences in their specific paths of the unemployment rate, a concave trajectory to peak is broadly consistent with the data from severe recessions. One indicator is to look at second

differences, which are the change in changes, an approximation of the acceleration of a variable.¹³⁶ Concave paths have negative second differences. The second differences of the unemployment rate are negative on average for severe recessions, indicating a generally concave path with decreasing changes up to the peak.

Finally, a trajectory with frontloading of increases in the unemployment rate has been a characteristic of all recent severely adverse scenarios, except for the second round of bank stress tests in September 2020.¹³⁷

House Prices

The stress test scenarios set out trajectories for several variables, including house prices as measured by the Price Index for Owner-Occupied Real Estate (HPI).¹³⁸ The Scenario Design Policy Statement outlined information regarding the formulation of house prices in the severely adverse scenario. This guide conforms with and expands on that statement, providing further information on the data used in the construction of the house price path in the severely adverse scenario, including the timing of the trough value and the trajectory to the trough value.¹³⁹

Firms subject to the supervisory stress test have a substantial exposure to the residential real estate market.¹⁴⁰ Given firms' direct exposures, and the broader impact of the housing sector on household balance sheets and the macroeconomy, the Board's methodology for supervisory stress tests incorporates house prices into a number

of models.¹⁴¹ Moreover, house price build-ups sometimes precede episodes of banking stress, with a notable example being the 2007–2009 financial crisis. By incorporating house prices into macroeconomic scenarios, supervisory stress tests help ensure that firms subject to the stress test are prepared for a range of market outcomes, including periods of large declines in house prices directly affecting loan performance and firms' balance sheets. This helps maintain the overall stability and resilience of the financial system.

The Board uses a quarterly average frequency for this data in the supervisory stress test scenario. Instead of using the monthly frequency at which the underlying data is available, the Board uses a quarterly average of house prices in the stress test scenario for several reasons. House prices and, importantly, related variables such as disposable income (discussed more below) can feature volatility at higher frequencies unrelated to underlying market conditions. For example, extreme weather can affect the demand for home purchases and employment during a particular month, and thus the prices paid in home transactions and income that month, notwithstanding market conditions. Therefore, quarterly averages smooth out month-to-month volatility. Overall, using quarterly averages strikes a balance between being sensitive enough to capture market trends and stable enough to avoid overreaction to short-term fluctuations in prices.

In determining the appropriate level of scenario severity, the Board adheres to the scenario design principles discussed in Section IX.F of this Supplementary Information. While doing so, the Board also strives to avoid introducing additional sources of procyclicality into the financial system. In the context of house prices, these principles are applied in calibrating the key aspects of the guide: the trough value, the timing of the trough value, and the trajectory to trough value. This approach helps ensure that the house price guide aligns with the established stress testing literature while mitigating potential systemic risks for the financial system. This guide description is outlined as follows. An overview of the house prices guide is given in Table 6. This is followed by a reiteration of the Scenario Design Policy Statement which describes the trough value used in the

¹³¹ See Berrospide (2024) and Davydiuk (2024), *supra* note 113; Cortés (2021), *supra* note 112.

¹³² See Berger (2004) and Greenspan (2000), *supra* note 114.

¹³³ A concave curve is one with the property that any straight line drawn between two points on the curve lies on or below the curve. A parabolic path is a curve, $x(t)$, that can be written as: $x(t) = a(t \wedge 2) + b(t) + c$ for some constants a , b , and c . In this case, concavity implies $a < 0$. If x_0 is the jump-off value, x_{peak} is the peak value, and t_{peak} is the peak quarter, then the parameters for the path are given by the following equations: $a = (x_0 - x_{peak})/t_{peak}^2$, $b = 2*(x_{peak} - x_0)/t_{peak}$, and $c = x_0$. Published scenario values may differ somewhat from this formula because of rounding conventions.

¹³⁴ See, e.g., Panel A of Figure 12 in N. Petrosky-Nadeau & L. Zhang, *Solving the Diamond-Mortensen-Pissarides model accurately*, 8 *Quantitative Economics* 611–50 (Jul. 2017).

¹³⁵ See E. Afanasyeva et al., *Evaluating Empirical Regularities in Variable Comovement in Stress Test Scenarios*, FEDS Notes (Sep. 19, 2025), <https://doi.org/10.17016/2380-7172.3885>.

¹³⁶ Given a time series $x(t)$, the first difference is defined as $y(t) = x(t) - x(t-1)$ and measures changes from one period to the next. The second difference is then defined as $z(t) = y(t) - y(t-1) = (x(t) - x(t-1)) - (x(t-1) - x(t-2))$ and measures the change in the rate of change, otherwise described as acceleration.

¹³⁷ This additional round of stress tests was performed due to the continued uncertainty from the COVID–19 event. As the scenarios were designed for the unique COVID–19 event, the Board does not anticipate future stress testing to closely follow this unique episode.

¹³⁸ Specifically, the Price Index for Owner-Occupied Real Estate, Z.1 (Financial Accounts of the United States), Federal Reserve Board series FL075035243.Q, divided by 1000.

¹³⁹ Trough value represents the minimum value achieved during the scenario.

¹⁴⁰ Regarding the importance of house prices to insured depository institutions generally, in 2025Q1, mortgages and mortgage-backed securities comprised more than 20 percent of FDIC insured firms' assets (based on the ratio of Loans Secured by Real Estate, 1–4 Family Residential Mortgages, plus Mortgage-backed Securities, divided by Total Assets. Table II–A: Aggregate Condition and Income Data, All FDIC-Insured Institutions, FDIC Quarterly 2025, Volume 19(2), p.7, <https://www.fdic.gov/quarterly-banking-profile/fdic-quarterly-2025-volume-19-number-2.pdf>).

¹⁴¹ See Board, *2025 Supervisory Stress Test Methodology* (Jun. 2025), <https://www.federalreserve.gov/publications/files/2025-june-supervisory-stress-test-methodology.pdf>.

construction of house prices. After that, this guide provides a supplementary discussion of the construction of house

prices in the severely adverse scenario, followed by a discussion of the other

components of the trajectory of house prices.

Table 6: Summary of House Price Guide

Component	Proposed Guide
Trough Value	HPI-DPI falls by at least 25 percent or enough to bring the ratio down to the trough following the 2007–2009 financial crisis.
Trough Value timing	8 to 10 quarters after jump-off.
Trajectory to Trough Value	Twenty percent of the decline realized in Quarter 1 and another 20 percent of the decline in Quarter 2. Thereafter, a linear decline to the trough.

a. Trough Value Component of the Guide

The Board is proposing to retain the guide established in the Scenario Design Policy Statement to inform the trough of house prices in the scenario, with additional explanations provided here. In most circumstances, the Board expects that the ratio of HPI to nominal per capita DPI (HPI–DPI ratio) falls by at least 25 percent or enough to bring the ratio down to the trough reached in the wake of the 2007–2009 financial crisis, which occurred in the first quarter of 2012, whichever is greater.

Data- and Scenario-Based Rationale for the Trough Value

Declining house prices, which are an important source of stress to a firm's balance sheet, are not a steadfast feature of recessions, and the historical relationship of national house prices with the unemployment rate is not strong. Simply adopting their typical path in a severe recession would likely underestimate risks stemming from the housing sector. This can be seen when

considering regional housing recessions, which have occurred with greater frequency. Three examples include New England and California in the early 1990s, and Texas in the 1980s. While regional house price indices featured only moderate decreases, the ratios of price to income fell precipitously. Further, in each case, the regional housing recession precipitated a regional banking crisis.¹⁴²

Assessing the procyclicality of house price paths over time is complicated by the fact that house prices—in contrast to the unemployment rate—have historically trended upward over time. Therefore, instead of specifying the path of house prices directly, the Board expects to consider the ratio of the nominal HPI to nominal per capita DPI. The HPI–DPI ratio does not exhibit an upward trend and, as such, provides an alternative way to assess the procyclicality of the scenarios' house price paths. Moreover, the HPI–DPI ratio is a commonly used valuation metric for the housing sector.¹⁴³

Under most circumstances, the Board expects the decline in the HPI–DPI ratio in the severely adverse scenario to be 25 percent from its starting value or enough to bring the ratio down to its trough during the 2007–2009 financial crisis, whichever is the larger decline. The maximum trough level specified in this guide is motivated by the data, corresponding to the level achieved in the wake of the 2007–2009 financial crisis, which reached a trough in the first quarter of 2012. The minimum decline specified in this guide for the HPI–DPI ratio from its starting value, a 25 percent decline, is motivated by the data as well—such a fall reflects the average peak to trough fall in this ratio across the three national housing recessions identified by the Board, as shown in Table 7.¹⁴⁴ While the average across housing recessions is heavily influenced by the steep decline in the 2007–2009 financial crisis, similar magnitude falls have occurred with greater frequency when considering the

¹⁴² Regarding New England, see J. Jordan, *Problem Loans at New England banks, 1989 to 1992: Evidence of Aggressive Loan Policies*, New England Econ. Rev. 23–38 (Jan. 1998); J. Jordan, *Resolving a Banking Crisis: What Worked in New England*, New England Econ. Rev. 49–62 (Sep. 1998). Regarding California, see G. Zimmerman, *Factors Influencing Community Bank Performance in California*, Federal Reserve Bank of San Francisco Econ. Rev., 26–40 (1996), <https://www.frbf.org/wp-content/uploads/26-42.pdf>. For a popular media account, see D. Wood, “California Real Estate Crunch Puts Pressure on Bank Profits,” Christian Science Monitor (Oct. 11, 1991). Regarding Texas, while a number of factors, including nonperformance of commercial and industrial loans, contributed to the Texas banking crisis of the 80s, excesses in residential real estate were a strong contributing factor. See J. Duca, M. Weiss, & E. Organ, “Texas Real Estate: From the 1980s’ Oil Bust to the Shale Oil Boom,” Ten-Gallon Economy: Sizing Up Economic Growth in Texas

109–18 (2014); J. O’Keefe, *The Texas Banking Crisis: Causes and Consequences 1980–1989*, 3 FDIC Banking Rev. 1 (Jul. 1990), https://fraser.stlouisfed.org/files/docs/publications/texasbankcrisis_1980_1989.pdf.

¹⁴³ While different authors have considered different measures of house prices or income, there is wide agreement in the literature that price to income ratios are an important gauge of the state of the housing market. On the long-run stability of housing expenditure shares, see M. Davis & F. Ortalo-Magné, *Household Expenditures, Wages, Rents*, 14 Rev. of Econ. Dynamics 248–261 (2011). For an analysis of the importance of price-to-income ratios for mortgage delinquencies, see K. Gazi & C. Vojtech, *Bank Failures, Capital Buffers, and Exposure to the Housing Market Bubble*, 52 Real Estate Econ. 1470–1505 (2024). For a macroeconomic model and discussion, see C. Leung & E. Tang, *The Dynamics of the House Price-to-Income Ratio: Theory and Evidence*, 41 Contemporary Econ. Policy 61–78 (2023). Other

references considering price-to-income ratios in financial stability include E. Pavlidis et al., *Episodes of Exuberance in Housing Markets: in Search of the Smoking Gun*, 53 The J. of Real Estate Fin. and Econ. 419–49 (2016); and K. Case & R. Shiller, *Is there a Bubble in the Housing Market?*, Brookings Papers on Economic Activity, No. 2003.2, 299–362 (2003).

¹⁴⁴ The national house-price retrenchments that occurred over the periods 1980–1985, 1989–1996, 2006–2011 are referred to in this document as housing recessions. The date ranges of housing recessions are based on the timing of house-price retrenchments. These dates were also associated with sustained declines in real residential investment, and the precise timings of housing recessions would likely be slightly different were they to be classified based on real residential investment in addition to house prices. The ratios described in Table 7 are calculated based on nominal HPI and HPI–DPI ratios indexed to 100 in 2000:Q1.

aforementioned regional housing recessions.¹⁴⁵

The minimum decline of 25 percent ensures adequate scenario severity, maintaining the credibility of the stress test while at the same time constraining the trough from becoming unduly contractionary and deviating too far from historically observed levels.¹⁴⁶ Applying a larger value of a minimum decline (e.g., the 2007–2009 peak-to-trough fall of more than 40 percent) could result in a trough level that is unjustifiably far away from most historical movements, especially if it were applied during a period in which the HPI–DPI ratio were already at a low level. Alternately, specifying a maximum trough level higher than that

experienced during the 2007–2009 financial crisis might not allow the Board to adequately test firms’ resilience to potential shocks when home valuations are as elevated as they were in the mid-2000s.

The construction of this part of the house prices guide reflects the goal of avoiding adding sources of procyclicality in the financial system. Accordingly, the severely adverse scenario will feature smaller variable movements when those variables are less extreme, and the severely adverse scenario will feature larger variable movements when those variables are more extreme, generally up to a level at least as extreme as the 2007–2009 financial crisis.

The recession approach provides further justification for the proposed calibration of the severity of the trough of house prices. While national house prices and national unemployment do not exhibit a strong relationship in the data, research shows that unemployment in a household has a large effect on default rates, and that increases in local unemployment are correlated with decreases in local house prices.¹⁴⁷ Similarly, regional housing recessions often feature increases in regional unemployment.¹⁴⁸ Hence, the recession approach suggests that a scenario with a high peak level of unemployment should also feature a low nadir in house prices.

Table 7: House Prices in Housing Recessions

Peak	Trough	Duration (quarters)	Change in HPI (percent)	Change in HPI–DPI (percent)	HPI–DPI trough level (2000Q1 = 100)
1980Q3	1985Q2	19	24.2	–13.1	100.2
1989Q3	1997Q1	30	12.5	–16.8	93.6
2005Q4	2012Q1	25	–28.7	–40.4	89.5
Average		24.7	2.7	–23.4	94.4

b. Additional Guide Parameters and Rationale

This subsection begins with a description of the construction of the house price series. This is followed by a description of the timing of the trough of HPI–DPI. The subsection concludes with information regarding the trajectory to trough.

Construction of House Prices From HPI–DPI

Unlike the guides for some other variables, such as unemployment and equity prices, this guide does not directly specify a path for house prices in the severely adverse scenario. Instead, this guide specifies a path for the HPI–DPI ratio. The scenario projection for house prices is then calculated from this ratio using paths for DPI and population, as calculated by the macroeconomic model for stress testing

that the Board has developed specifically to aid in communicating the stress test scenario to the public specified on the Board’s website. The scenario projection for population is the same as that contemplated in the Baseline Scenario Guide, as described in Section IX.C of this Supplementary Information and in section 4.1 of the Scenario Design Policy Statement. The scenario projection for house prices is then calculated as the HPI–DPI path, discussed in this guide, multiplied by nominal disposable income divided by population.

Trough Value Timing

In general, the entire 13-quarter trajectory of stress test variables is important as it ultimately affects implied firm losses. The Board expects that the trough of HPI–DPI typically should occur between quarter 8 and

quarter 10 of the severely adverse scenario, as explained below.

To support this range for the timing of the trough in house prices, the Board applied the recession approach and used the timing of unemployment peaks to calibrate the timing of the trough of HPI–DPI. This benchmarking to the unemployment peak was necessary because house prices have more protracted cyclical dynamics than other scenario variables described in this framework. The three major house price retrenchments indicated in Table 7 featured peak-to-trough durations for HPI–DPI of between 19 and 30 quarters. The full implications of such a protracted decline cannot be adequately assessed by including only a portion of that decline within the nine-quarter horizon of the annual stress tests, because the resilience of firms would be impacted importantly by investors’ perceptions of the expected future

¹⁴⁵ See *infra* note 148.

¹⁴⁶ If a future stress event causes the HPI–DPI to fall significantly below the 2007–2009 financial crisis trough, or perhaps just to that level, the Board will consider an update of the trough calibration to reflect that new empirical evidence in subsequent future tests.

¹⁴⁷ On the relationship between unemployment and delinquencies, see K. Gerardi et al., *Can’t Pay or Won’t Pay? Unemployment, Negative Equity, and*

Strategic Default, 31 The Rev. of Fin. Studies, 1098–1131 (2018). On the Relationship Between Local Unemployment and House Prices, see L. Gan, P. Wang, & Q. Zhang, *Market Thickness and the Impact of Unemployment on Housing Market Outcomes*, 98 Journal of Monetary Economics 27–49 (2018); and M. Dvorkin & H. Shell, *The Recent Evolution of U.S. Local Labor Markets*, *Federal Reserve Bank of St. Louis Economic Synopses* 1–3, Issue 15 (2016).

¹⁴⁸ For example, regarding the three regional housing recessions mentioned above, the unemployment rate in New England increased from 3.0 percent in January of 1988 to 8.2 percent in 1992, the unemployment rate in California increased from 5.2 percent in January of 1990 to 9.8 percent in December of 1992, and the unemployment rate in Texas increased from 5.8 percent in August of 1984 to 9.3 percent in October of 1986 according to the Bureau of Labor Statistics.

losses.¹⁴⁹ Moreover, the practical difficulties presented by the difference between the length of historical housing cycles and the length of the stress test scenario is an example of why the Board expects to maintain the flexibility to use scenarios that are not exactly like historical scenarios.¹⁵⁰ Together, these two notions, one practical and the other principled, require the Board to consider a more careful approach to reading the historical record in its determination of the timing of the trough value for HPI–DPI.

Because the length of the severely adverse scenario cannot replicate the duration of historical housing recessions, the Board identified the subperiods within past housing recessions that featured the greatest declines in HPI–DPI to support its calibration of the trough within the scenario. This choice reflects the principle of severity. The Board considered three window lengths when calculating periods of maximum declines in HPI–DPI: 6, 9, and 13 quarters.¹⁵¹ The calculations in Table 7 include the trough-quarter of such windows, along with the percentage decline in HPI–DPI over each window.

Under the recession approach, the Board calibrates other variables to be consistent with the scenario path for unemployment. To compare the maximum decline in the HPI–DPI ratio with the peak in unemployment, the table also includes the timing of the

peak quarter for unemployment along with the difference in timing between the peak unemployment rate and the end of the window. For example, when considering the period 2005Q4–2012Q1 (Column 3, Table 8), the 6-quarter window with the greatest change in HPI–DPI is 2007Q2–2008Q4 (Row 2, Column 3). This window featured a fall in the HPI–DPI ratio of 24.1 percent. The end of this window, 2008Q4 is 4 quarters before the unemployment rate peaked in 2009Q4.

On average, the quarter of the maximum decline in HPI–DPI over 6-quarter windows precedes the quarter of peak unemployment by 1.67 quarters. The unemployment guide features a range for the peak in unemployment with a midpoint in quarter 7. Therefore, to be consistent with some years' contemplated path for unemployment, a 6-quarter window for the decline in HPI–DPI would have to start with the scenario jump-off quarter rather than the first quarter of the scenario. Hence, the Board deemed a trough timing for HPI–DPI of 6 quarters as too short.

More promisingly, the relationship between the peak of unemployment and the trough of the HPI–DPI ratio flips at longer horizons. The unemployment peak quarter precedes the quarter of the maximum declines in HPI–DPI over 9 and 13 quarter windows by an average of 0.67 and 2.33, respectively. Therefore, trough timings of both 9 and 13 quarters would be broadly consistent with the length of the scenario and the timing of the unemployment peak within it. Of these two options, the Board deems that the trough timing of HPI–DPI should occur around quarter 9 for two auxiliary reasons: First, an interior trough time allows for some subsequent recovery, mirroring the movement of unemployment and other variables in this framework. Second, a shorter duration to trough, all else equal, will result in a more severe

scenario, consistent with the principal of conservatism.

In addition, the maximum changes in HPI–DPI for the 6, 9, and 13 quarter subperiods associated with the 2007–2009 financial crisis are close to or larger than 25 percent. Hence, this subperiod analysis also further supports the calibration of the trough level in this guide.

Turning to a comparison with past scenarios, the selection of a range of quarter 8 to 10 for the trough of HPI–DPI in the severely adverse scenario is broadly consistent with the timing of past scenarios. In 2019 to 2022, the severely adverse scenario featured a trough in quarter 9. In 2023 to 2025, the severely adverse scenario featured a trough in quarter 7, as the Board assessed valuation pressures in residential real estate to be very elevated and wanted to ensure that the banking system remained resilient to a sudden correction in the housing market. Although that calibration of the guide would require the Board to explain its rationale for choosing an earlier trough going forward, the analysis presented above about the typical timing of house price troughs suggests that a trough between quarters 8 and 10 of the scenario usually would be sufficiently and credibly stressful. In choosing the timing of the trough, the Board expects to choose an earlier trough when the level of systemic risks is high or rising and a later trough when the level of systemic risks is low or declining. Housing market indicators such as recent trends in HPI-to-DPI ratios, house price growth, the growth rate of mortgage lending, or changes in mortgage lending standards are factors in that determination. Conversely, when vulnerabilities or risks related to residential real estate and related lending are low or decreasing, the Board could consider a later trough.

¹⁴⁹ Supervisory stress tests consider results from the nine quarters following the jump-off quarter. This and other guides specify a 13-quarter path because the calculation of provisions for losses are forward looking; that is, they depend on estimated losses in the subsequent four quarters. Therefore, they require values for some macroeconomic variables to extend beyond the nine quarters that are counted in the stress test.

¹⁵⁰ See Schuermann (2014), *supra* note 99.

¹⁵¹ These three window lengths were considered as they span the set that would satisfy the limited duration of the scenario and the need for severity discussed above.

Table 8: Declines in HPI-DPI During Housing Recessions over Different Horizons

Component	(1) 1980-1985	(2) 1989-1997	(3) 2005-2012	Average
Quarter (Q) of Peak Unemployment Rate (UR) ⁽²⁾	1982Q4	1992Q3	2009Q4	-
Peak UR (percent) ⁽³⁾	10.7	7.6	9.9	9.4
Q of Max 6Q Fall ⁽⁴⁾	1982Q4	1992Q2	2008Q4	-
6Q percent change in HPI-DPI ⁽⁵⁾	6.3	7.4	24.1	12.6
Diff. in Timing (quarters) ⁽⁶⁾	0	-1	-4	-1.67
Q of Max 9Q Fall ⁽⁴⁾	1984Q2	1992Q2	2009Q1	-
9Q percent change in HPI-DPI ⁽⁵⁾	8.2	10.3	30.2	16.2
Diff. in Timing (quarters) ⁽⁶⁾	6	-1	-3	0.67
Q of Max 13Q Fall ⁽⁴⁾	1984Q3	1993Q1	2009Q2	-
13Q percent change in HPI-DPI ⁽⁵⁾	11.4	12.5	33.3	19.1
Diff. in Timing (quarters) ⁽⁶⁾	7	2	-2	2.33

Notes: (1) Columns refer to different housing recessions: 1980–1985 refers to the housing recession from 1980Q2–1985Q2, 1989–1997 refers to the housing recession ranging from 1989Q3–1997Q1, and 2005–2012 refers to the housing recession ranging from 2005Q4–2012Q1; the Average column reflects the average value across these three housing recessions; (2) Quarter (Q) of Peak UR indicates the quarter in which the peak unemployment rate during each housing recession occurred; (3) Peak UR (percent) indicates the maximum unemployment rate achieved during each housing recession; (4) Q of Max X Q Fall (X denoting the relevant window length) indicates the last quarter of the X -quarter window within the housing recession during which the house price to per capita disposable personal income ratio fell the most; (5) X Q Fall (X denoting the relevant window length) percent change in HPI-DPI (indexed to 2000Q1) indicates the maximum X -quarter decline in the house price to per capita disposable personal income ratio during the housing recession; (6) Diff. in Timing (quarters) indicates the number of quarters between the quarter in which the peak unemployment rate occurred and the last quarter of the X -quarter window (X denoting the relevant window length) during which the house price to per capita disposable personal income fell the most.¹⁵²

Trajectory to Trough

This guide specifies a trajectory to trough featuring 20 percent of the decline in the first quarter, 20 percent of the decline in the second quarter, and a linear trajectory to trough thereafter, subject to the rounding conventions mentioned in Section IX.F of this Supplementary Information. As shown in Table 8, housing recessions tend to be protracted. While the Board follows the recession approach, the other principles from the stress testing literature suggest that a careful reading of the data is warranted. To this end, when considering the windows with the most rapid declines in Table 8 above, further analysis shows that each housing recession featured quarters with declines near 20 percent. In an application of the principle of conservatism, the Board finds that two quarters of 20 percent declines broadly fits the scenario narrative of a rapid decline in economic conditions and sentiment, while meeting the other

principles set out in this guide; frontloaded declines are relatively more severe, so are consistent with the principles of conservatism, severity, and the need to consider possibilities somewhat outside the historical evidence. The specification of linear declines thereafter was chosen in the interest of simplicity.

Moreover, a rapid decline in house prices is consistent with the recession approach, in which other variables in the scenario are guided by the scenario trajectory for the unemployment rate, which features rapid initial deterioration. In addition, rather than having HPI–DPI decline throughout the 13 quarter scenario as might be justified given the historical record, the Board expects that house prices in the severely

¹⁵² Source: (1) Quarterly percent change in disposable personal income (current dollars), expressed at an annualized rate, Bureau of Economic Analysis; (2) Commercial Real Estate Price Index, Z.1 Release (Financial Accounts of the United States), Federal Reserve Board; (3) Federal Reserve staff calculations.

adverse scenario will feature a moderate recovery after their trough—again, consistent with the recession approach where variables follow from the general movements of the unemployment rate, which itself recovers after its trough—a feature which moderates the severity of the initial decreases in house prices. Turning to past scenarios, a moderately frontloaded trajectory to trough strikes a balance between recent scenarios. Scenarios from 2023 to 2025 featured strongly frontloaded declines, with more than 40 percent of the drop happening in the first quarter, and increasingly smaller drops to the trough. Frontloading the decline in this manner is consistent with the principle of conservatism and the advice from stress testing literature to consider features that are outside of historical experience when vulnerabilities are elevated. The Board made a different decision with house price scenarios in 2021 and 2022, which featured a less stressful trajectory of initially small declines followed by a

period of larger declines while the economy was recovering from the COVID-19 recession. Hence, a moderately frontloaded trajectory falls between these earlier and later scenarios. The Board sees the reduction in flexibility in this component of the house price path as partially offset by the additional predictability and simplification that it provides.

The Board expects that a scenario consistent with the level, timing, and trajectory to the trough of house prices specified by this guide will be at least somewhat more severe than the average of past housing recessions and sufficiently close to the house price correction associated with the 2007–2009 financial crisis.

Commercial Real Estate Prices

The stress test scenarios set out trajectories for several variables, including commercial real estate prices as reported in the Board's Z.1 statistical release.¹⁵³ The Commercial Real Estate Price Index aggregates price indices across office, retail, industrial and other types of properties.

In the supervisory stress test, commercial real estate prices capture a key part of the risks to firms from their commercial real estate exposures, which are reported by firms on FR Y-14Q, Schedule H.2. Most firms subject to the supervisory stress test have a substantial exposure to the commercial real estate market. Moreover, commercial real estate price build-ups often precede episodes of market stress. By incorporating commercial real estate prices into macroeconomic scenarios, supervisory stress tests help ensure that firms subject to the stress test are prepared for a range of market conditions, including periods of large decline in commercial real estate prices directly affecting the firms' balance sheets. This helps maintain the overall stability and resilience of the financial system.

In determining the appropriate level of scenario severity, the Board adheres to the scenario design principles discussed in the earlier Section IX.F of this Supplementary Information. While doing so, the Board also strives to avoid introducing additional sources of

procyclicality into the financial system. In the context of commercial real estate prices, these principles are applied in calibrating three key aspects of the guide: the trough value, the timing of the trough value, and the trajectory to trough value. This approach ensures that the commercial real estate price guide aligns with the established stress testing literature while mitigating potential systemic risks for the financial system.

The rest of this section is organized as follows. First, Table 9 includes an overview of the Board's proposed guide for setting commercial real estate prices in the severely adverse scenario. The next subsection provides the data- and scenario-based rationale for the calibration of the trough component. Afterward follows a discussion of the alternative trough option, comparing the implementation and caveats to the proposed guide description. Finally, additional guide parameters for the trough timing and trajectory to trough value, and the rationale for their calibration are discussed.

Table 9: Summary of Commercial Real Estate Price Guide

Component	Proposed Guide
Trough value	Falls between 30 and 45 percent from jump-off value.
Trough value timing	8 to 10 quarters after jump-off.
Trajectory to trough value	Roughly linear.

a. Trough Value Component of the Guide

The proposed guide stipulates that at the trough, commercial real estate prices will drop between 30 percent and 45 percent from the jump-off value. The choice of the specific magnitude of drop within this range will be determined based on the overall level of cyclical systemic risk and an assessment of relevant indicators in the market as reflected by a range of commercial real estate indicators such as the level and change over preceding years in commercial real estate prices, commercial real estate capitalization rate (cap rate), lending standards on commercial real estate loans, rents, and vacancy rates, among other indicators. The Board generally judges valuation

pressures and the implied level of risk by looking at where recent observations of these relevant indicators are within their distributions.

Data- and Scenario-Based Rationale for the Trough Value

In line with the scenario design principles for setting the scenario severity, as discussed earlier in Section IX.F of this Supplementary Information, the proposed guide takes into account the dynamics of a variety of commercial real estate market indicators, including but not limited to the growth rates of commercial real estate prices, changes in bank lending standards in the commercial real estate segment, and the commercial real estate capitalization rate over the past several years. The

consideration of several years of history for this variable is due to the slower-moving nature of commercial real estate markets, in contrast with market volatility (measured by the Chicago Board Options Exchange's CBOE Volatility Index (VIX)), stock market prices, and corporate bond spreads, as described in those guides below. The long-lived nature of these assets and substantial upfront financial investment involved can loosen the connections between their current observed valuations and financial conditions at firms and in broader financial markets. For instance, lending practices adopted in a period of declining prices, such as 2023 and 2024, can cloud immediate price signals. Additionally, the complexity of these connections and the

¹⁵³ The source for the data is the Commercial Real Estate Price Index, Z.1 Release (Financial Accounts

of the United States), Federal Reserve Board. This index is based on quarterly change of the Value

Weighted Costar U.S. Composite Index Excluding Multifamily.

breadth of property types make it difficult to track developments in the commercial real estate sector with a single quantitative indicator or a very limited set of indicators that would constitute a basis for the commercial real estate guidance. Therefore, the proposed guide establishes a range of price decline values that determine the magnitude of the price decline to the trough, as well as its characteristics.

The proposed calibration of the range of decline (30 to 45 percent) to the trough for the commercial real estate price index is determined to account for commercial real estate price behavior in severe post-war U.S. recessions and to allow for increases in severity after economic expansions, in line with the principles outlined in the policy statement as well as those discussed earlier in this section. First, the range is centered around the value observed during the 2007–2009 financial crisis, when commercial real estate prices dropped about 39 percent from the peak in 2007Q3 to the trough in 2009Q4 (Table 10). Second, the extent of commercial real estate price upswings provides a guide for their subsequent unwinding and another target for the range. As mentioned in the Board’s policy statement, cyclical vulnerabilities rise during more robust expansions. Looking back at the most recent commercial real estate cycle upswing in 2013–2024, the median four-year commercial real estate price growth rate in this period is about 30 percent, which the Board uses to calibrate the lower part of the range. Setting a floor for the decline in commercial real estate prices of 30 percent recognizes the fact that, not only do cyclical systemic risks build up at financial intermediaries during robust expansions, but also a minimum level of risk exists even in an already stressed environment. Separately, the Board opts for 45 percent as the higher end of the range, as a similar value (43 percent, as measured by the four-year growth rate of the commercial real estate price index between 2011Q3 to 2015Q3) was observed in the 2013–2024 commercial real estate cycle. The upper end of this range is also set to be larger than the 39 percent decrease experienced during the 2007–2009 financial crisis to allow for scenarios that feature commercial real estate price declines that are larger than what have been seen historically. Adequate severity requires a guide to be able to go somewhat beyond historical experiences when initial conditions warrant. Furthermore, certain sectors within the commercial real estate market have already experienced larger declines than 39 percent in the post-COVID–19 period, further justifying a range of potential declines that can address risks that are apparent in relevant indicators of economic and financial conditions as they arise.

Table 10: Summary Statistics for Commercial Real Estate

	Severe recessions ⁽¹⁾	2007–2009 financial crisis	Past scenarios ⁽²⁾
Jump-off to trough change (percent)	-10.3	-38.8	-35.7
Trough timing (quarters) ⁽³⁾	4	9	9

Notes: (1) The Severe recessions column includes averages across the following recessions (based on data availability): 1957Q3–1958Q2, 1973Q4–1975Q1, 1981Q3–1982Q4, and 2007Q4–2009Q2; (2) The Past scenarios column includes averages across binding scenarios from 2014–2025; (3) Trough timing corresponds to the quarter the minimum (the trough) value is achieved. ¹⁵⁴

In its formulation of the annual scenarios, the Board could consider the overall level of cyclical systemic risk or various indicators related to commercial real estate markets to determine the appropriate decline in commercial real estate prices in the scenario. As discussed in Section IX.F of this Supplementary Information, the Board expects to calibrate the decline in commercial real estate prices based on its views of the status of cyclical systemic risk.

Specifically, the Board would be more likely to set the commercial real estate price trough value at the higher end of the range if the Board expects that cyclical systemic risks are high (as it would be after a sustained long expansion), and alternatively would be more likely to set the trough value to the lower end of the range if cyclical

systemic risks are low (as it would be in the earlier stages of a recovery), provided doing so remained consistent with the goal of ensuring that firms were properly capitalized to withstand severe economic and financial conditions. This may result in a scenario that is more intense than normal if the Board expects that cyclical systemic risks were increasing in a period of sustained robust expansion.

Conversely, it would also allow the Board to specify a scenario that is less intense than normal in an environment where systemic risks appeared subdued, such as in the early stages of an expansion. This choice would consider that the scenario does not add unduly to remaining stress, thereby exacerbating the initial adverse shock, and it would be particularly appropriate if the Board judges that firms are already taking steps to reduce their risk—for instance, by potentially restricting lending to otherwise qualified borrowers. Factors such as whether

underlying commercial real estate market conditions have started to normalize and higher-than-usual credit losses stemming from previous commercial real estate price declines were either already realized—or are in the process of being realized—and thus removed from firms’ balance sheets would contribute to the assessment of cyclical systemic risks. ¹⁵⁵

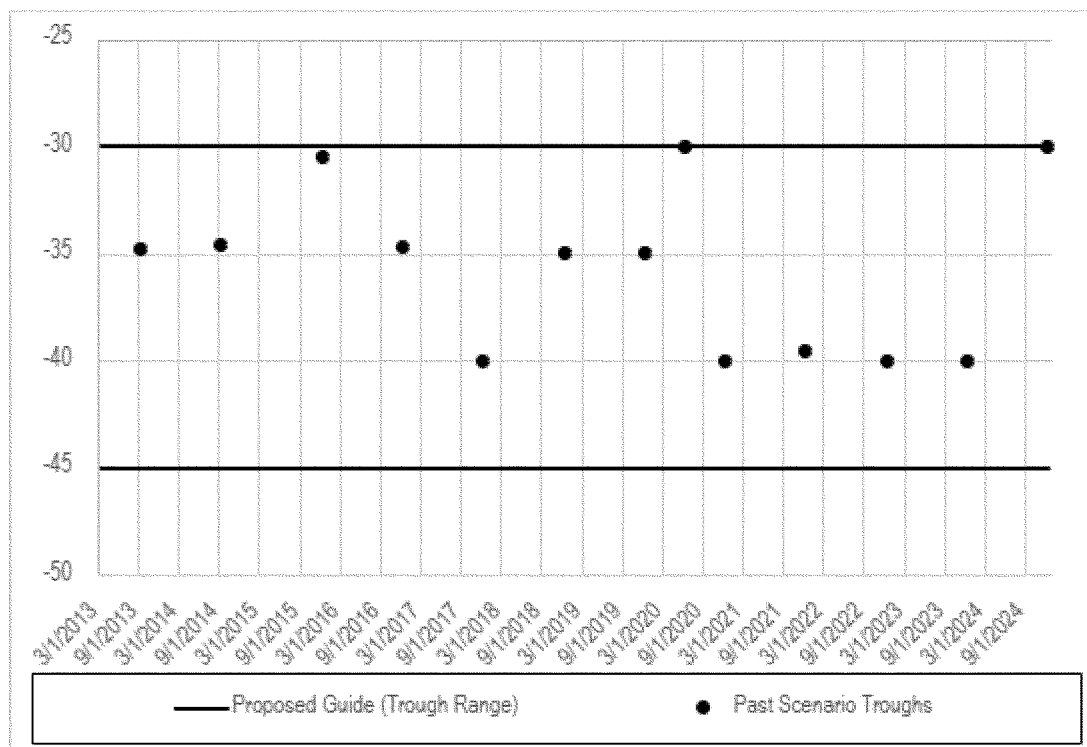
Figure 1 illustrates how the proposed guide (range between solid lines) performs compared to past scenarios (shown as dots). As seen in this figure, the proposed guide fully brackets the declines featured in previous scenarios. Thus, the proposed guide is likely to result in similar stress test severity as

¹⁵⁴ Source: Commercial Real Estate Price Index, Z.1 Release (Financial Accounts of the United States), Federal Reserve Board (series FL075035503.Q divided by 1000).

¹⁵⁵ A commercial real estate market normalization could occur when lending standards stop tightening, commercial real estate price levels stabilize, and the capitalization rate moves toward the middle of its historical range or higher. Evidence that credit losses are being realized could include elevated charge-offs on loans and leases or loan-loss provisions in excess of gross charge-offs.

before this revision to the policy statement.

Figure 1: Implied Range of Declines in Commercial Real Estate Prices and Declines in Past Scenarios (in percent)¹⁵⁶



Alternative Trough Guide Option

The Board considered an alternative trough option in which commercial real estate prices fall 35 percent from the jump-off value, or reversal of prior 4 years of price increases up to 45 percent, whichever results in a larger decline. The calibration of the alternative guide relies on the similar observations shown in Table 10 and used for the calibration of the proposed guide. Specifically, the alternative guide caps the decline in the commercial real estate prices to a range between 35 and 45 percent. However, to determine the specific decline in this range, in contrast to the proposed guide which considers a variety of commercial real estate-market indicators and allows for weighing them against each other, this alternative focuses on only one dimension of potential risks in the commercial real estate market—price pressures accumulated over the previous 4 years—and formalizes the decline to the trough based on this indicator.

The alternative guide stipulates that commercial real estate prices will decline to the trough from the jump-off value by 35 percent or by an amount needed to offset the four-year commercial real estate price growth preceding the jump-off quarter. Hence, the alternative minimum decline could be somewhat more severe compared to the proposed guide. That said, the decline is capped at 45 percent to constrain the trough calibration within historically plausible bounds. The choice of four years (rather than, for example, the one-year look back used in the equity price guide) to span the relevant accumulation period of price pressures for this guide stems from a slower-moving nature of the commercial real estate cycle, in contrast to faster moving variables (like VIX or stock prices). At the same time, choosing a longer look-back time period, such as five years, for example, would often produce commercial real estate growth rates above 45 percent, thus triggering the 45 percent maximum threshold of the guide too frequently and resulting in excessive scenario severity relative to historically observed events,

particularly at the beginning of market corrections.¹⁵⁷

The commercial real estate price troughs set in past annual stress test scenarios and the prescription of the alternative guide could be noticeably different. In the data, previous commercial real estate price changes in annual stress test scenarios, the key factor in determining the prescription for the alternative guide, are not always highly correlated with other commercial real estate indicators that the Board would have used to gauge the extent of salient risks at the time.

For instance, from 2021–2023 (post-COVID–19 pandemic) the alternative guide would prescribe troughs at 35 percent below jump-off values, while the proposed guide would prescribe troughs similar to those of past scenarios, around 40 percent below jump-off. The alternative guide thus would not have accounted for the unusually small number of commercial real estate sales that occurred during that period and the upward biases in transaction-based commercial real estate

¹⁵⁶ Z.1 Release (Financial Accounts of the United States), Federal Reserve Board; Federal Reserve staff estimates.

¹⁵⁷ In the 2014–2024 period, for example, 5-year growth rates above 45 percent occur in 2014Q4, 2015Q1, 2016Q3, 2016Q4, 2017Q1.

price indices created by the strategic behavior of owners, lenders, and buyers in those conditions.¹⁵⁸ Once commercial real estate prices had declined considerably by 2024 and transaction volumes increased, the shallower trough calibration for this alternative guide aligns with the Board's choice for the severely adverse scenario.¹⁵⁹ This example illustrates that focusing on only one quantitative indicator (four-year commercial real estate price growth) may be too narrow to determine an adequate severity for the magnitude of decline from the start of the stress test scenario to its trough (i.e., start-to-trough decline) for this variable.

Therefore, a guide that weighs a broader range of indicators and how conditions differ by property type could provide a fuller, more adequate framework for the Board to choose an appropriate level of stress for commercial real estate exposures in future stress test scenarios. Consequently, the Board would consider the overall level of cyclical systemic risk, which is informed by a range of indicators related to commercial real estate markets, in its formulation of the annual scenarios as discussed in this section.

Although the proposed and the alternative guides are both discussed, and the Board views the alternative guide as reasonable, it may be insufficient to capture the complexity of the commercial real estate market relative to the proposed guide. In addition, the implementation of the alternative guide for commercial real estate would be complicated by the lack of a real-time commercial real estate price indicator. Typically, the data are available with a 4-month lag, which means that the final quarter or two of data required to compute the value of the guide would be based on a projection rather than reported data. The purpose of the alternative guide discussion is to invite comment on a

reasonable alternative considered by the Board and to transparently lay out the Board's present arguments for choosing the proposed guide.

b. Additional Guide Parameters and Rationale Behind Them

Trough Timing

In general, the entire 13-quarter trajectory of stress test variables is important as it ultimately affects implied firm losses. The value of the trough and its timing signify the magnitude and timing of the most severe point in this trajectory. The Board considers the dynamics of commercial real estate prices using the official NBER recession dates augmented by one year prior to the beginning of the recession and one year after the end of the recession to compute summary statistics for validating the timing of the trough for commercial real estate prices in this guide. The Board considers such additional data points because of the slow-moving nature of the commercial real estate cycles, as referenced earlier in this section, in comparison with the fast-moving and forward-looking behavior of equity prices, corporate bond spreads, and VIX, for which the moves following the Lehman Brothers bankruptcy during the 2007–2009 financial crisis are most consistent with the scenario narrative adopted in this proposed policy statement.

The guide stipulates that the trough level in the scenario would be reached in quarters 8 to 10. This range is consistent with the slower-moving nature of commercial real estate price cycles, the practice in previous severely adverse scenarios, and the behavior in previous periods of financial stress or recession. In the stress episode surrounding the 2007–2009 financial crisis, the commercial real estate price trough was in quarter 9 (Table 10). The usual process of slow adjustment of commercial real estate prices and the ambiguity in the measurement of those prices described earlier in this section motivates the Board to reserve a range in which the adjustment occurs. Keeping the magnitude of the trough constant, a more delayed trough timing generally results in less severity of the overall path, as a less abrupt worsening in conditions and credit quality gives firms more time to adjust to the shock. Thus, a range in the timing (quarter 8 to 10) is an additional lever (together with the trough magnitude range) to avoiding the addition of sources of procyclicality in the stress test. The Board would likely consider a delayed timing of the trough when the cyclical vulnerabilities

are lower, and an earlier trough timing when the Board deems it appropriate to increase scenario severity, as described in this section in relation to the choice of price decline.

Trajectory to Trough Value

To reach the trough value, the guide prescribes a smooth roughly-linear transition from the jump-off point to the trough. This prescription is consistent with the linear models often used in the statistical modeling of macroeconomic series.¹⁶⁰ Commercial real estate prices are slower-moving, even in crisis times, so there is less evidence of the frontloading seen in faster-moving variables such as the VIX or BBB spreads. Moreover, the breadth of property types and lags in real-time data availability contribute to the difficulty of tracking the developments in this sector. As discussed above, transactions-based prices may have biases based on the strategic behavior of the parties involved. Given these circumstances, considering more complicated trajectories may inject unnecessary volatility into the exercise, counter to the principles laid out on effective stress testing in Quarles (2019).¹⁶¹

The trajectories prescribed in previous scenarios are consistent with the proposed guidance that commercial real estate price declines are not frontloaded. The two exceptions are for the scenarios during 2017 and 2018, where the largest declines occur in the second quarter of the scenario. In these years' scenarios, to test the resilience of the banking system to strong economic conditions and commercial real estate price increases in prior years, the Board chose scenarios which called for deeper and earlier declines in commercial real estate prices than considered in prior years' stress test scenarios. Notwithstanding these exceptions, the smoother decline specified by the proposed guide is more in line with historical behavior of the series and has the benefit of reducing volatility.

Equity Prices

The stress test scenarios set out trajectories for several variables, including equity prices proxied by the U.S. Dow Jones Total Stock Market

¹⁵⁸ See, e.g., Board, Financial Stability Report (May 2023) (discussing recent changes in commercial real estate prices potentially understating the extent of weakness across the sector), <https://www.federalreserve.gov/publications/files/financial-stability-report-20230508.pdf>; Remarks by Gov. Michelle Bowman, *Financial Stability in Uncertain Times* (Oct. 11, 2023) (highlighting the vulnerabilities from high vacancy rates in the office sector), <https://www.federalreserve.gov/newsevents/speech/bowman20231011a.htm>.

¹⁵⁹ The April 2025 Board Financial Stability Report discusses the stability of commercial real estate prices and stronger position of the commercial real estate market. Board, Financial Stability Report (Apr. 2025), <https://www.federalreserve.gov/publications/files/financial-stability-report-20250425.pdf>.

¹⁶⁰ See, e.g., M. Marcellino, J. Stock, & M. Watson, *A Comparison of Direct and Iterated Multistep AR Methods for Forecasting Macroeconomic Time Series*, 135 J. of Econometrics 449–526 (2006) (discussing the popular linear time series models used for forecasting macroeconomic time series).

¹⁶¹ See “Stress Testing: A Decade of Continuity and Change,” Remarks by Vice Chair for Supervision Randal K. Quarles at the “Stress Testing: A Discussion and Review” conference (Jul. 9, 2019), <https://www.federalreserve.gov/newsevents/speech/quarles20190709a.htm>.

Index (DWCF).¹⁶² This index includes about 3,700 stocks trading on U.S. exchanges that account for 95 percent of the total market capitalization.

Along with commercial real estate prices, housing prices, and the VIX, equity prices are an essential gauge for asset prices that affect the U.S. economy and the financial conditions of financial and nonfinancial firms. Equity prices are generally recognized as a leading indicator of future economic conditions broadly, including economic growth and inflation.¹⁶³ Therefore, testing the ability of a firm to withstand a steep decline in equity prices helps ensure that these firms are properly capitalized to withstand severe economic and financial conditions.

In the supervisory stress test scenarios, equity prices are converted to quarterly frequency using the quarter-end value. The Board's use of this aggregation method in the severely adverse scenario, rather than average or maximum value in the quarter used for other variables, is a deliberate choice that reflects how equity prices might

impact the balance sheets of financial institutions. Quarter-end values provide a clear, specific point-in-time snapshot of market conditions, which is crucial for assessing firms' balance sheets and market risk exposures. For trading books and fair-value estimates for assets that firms hold, quarter-end prices provide the most up-to-date mark-to-market valuation, which is critical for stress testing. Equity markets are typically more liquid than debt markets or markets for real estate, which means the most recent prices are less likely to be affected by technical factors instead of economic fundamentals and expectations about future conditions than in bonds or property markets. Using quarter-end values also makes it easier to compare stress scenarios with historical data, which is often reported on a quarter-end basis. Finally, many equity options expire at the end of quarters, making quarter-end prices particularly relevant for assessing option-related risks.

In determining the appropriate level of scenario severity, the Board adheres

to the scenario design principles discussed in the earlier Section IX.F of this Supplementary Information. While doing so, the Board also strives to avoid introducing additional sources of procyclicality into the financial system. In the context of equity prices, these principles are applied in calibrating three key aspects of the guide: the trough value, the timing of the trough value, and the trajectory to trough. This approach helps ensure that the equity price guide aligns with the established stress testing literature while mitigating potential systemic risks for the financial system.

The rest of this section is organized as follows. First, Table 11 summarizes all of the equity prices guide components. This is followed by a detailed description of the guide's trough component, including the data- and scenario-based rationale for the calibration of the trough component and a discussion of the alternative trough option. Finally, additional guide parameters and the rationale for their calibration are discussed.

Table 11: Summary of Equity Price Guide

Component	Proposed Guide
Trough value	Falls by $\begin{cases} 50\% + \min(10\%, \Delta(\text{prior year}) /2), & \text{if } \Delta(\text{prior year}) \geq 0 \\ 50\% - \min(10\%, \Delta(\text{prior year}) /2), & \text{if } \Delta(\text{prior year}) < 0. \end{cases}$
Trough value timing	3 to 4 quarters after jump-off.
Trajectory to trough value	60 to 70 percent of the decline is realized in Quarter 1; 10 to 20 percent of the decline in Quarter 2; the rest of the decline is realized about equally in the remaining quarter(s) to trough.

Notes: $\Delta(\text{prior year})$ denotes the percentage change in the DWCF in the previous year.

a. Trough Value Component of the Guide

The proposed guide stipulates that the decline in equity prices from the jump-off value (*i.e.*, the value of the equity

price index at the end of the quarter immediately preceding the start of the scenario) will vary around 50 percent with an additional amount that offsets one half of the price growth over the prior year, up to 10 percent. These

declines imply that equity prices would fall to a trough level that is between 40 and 60 percent below the jump-off value. More formally, this calibration implies that at the trough of the scenario path, equity prices fall by

¹⁶² Specifically, the Board uses the U.S. Dow Jones Total Stock Market (Float Cap) Index (DWCF): End-of-quarter value via Bloomberg Finance L.P.; this index encompasses a wider universe of stocks than the S&P 500 Composite.

¹⁶³ In the academic literature, stock prices are well-known to be fast-moving or forward-looking variables that react to shocks quickly. One prominent example is the study by B. Bernanke, J. Boivin, & P. Elias, *Measuring the Effects of*

Monetary Policy: a Factor-Augmented Vector Autoregressive (FAVAR) Approach, 120 Q. J. of Econ. 387–422 (2005) (classifying stock market prices as fast-moving variables that respond to shocks on impact).

$$\begin{cases} 50\% + \min(10\%, |\Delta(\text{prior year})|/2), & \text{if } \Delta(\text{prior year}) \geq 0 \\ 50\% - \min(10\%, |\Delta(\text{prior year})|/2), & \text{if } \Delta(\text{prior year}) < 0. \end{cases}$$

Data- and Scenario-Based Rationale for the Trough Value

In line with the scenario design principles for setting the scenario severity, discussed earlier in Section IX.F of this Supplementary Information, the rationale behind the choice of the neutral value of 50 percent comes from the data, as several recessions in the sample featured a decline of this magnitude. In particular, the equity price declines in the 1973 recession and the 2001 recession were 46 percent, whereas the decline in the 2007–2009 financial crisis measured 48 percent (Table 12). The equity price decline in the 2007–2009 financial crisis is most analogous to the scenario narrative,

which starts with a substantial adverse shock to risk appetite and uncertainty and leads to a period of market disfunction followed by very high unemployment. Other financial stress episodes have seen maximum equity price declines of less than 50 percent, but in those instances the declines were not exacerbated by market dysfunction as considered in the scenario narrative. The adjustment portion of this guide responds to the possibility that economic or financial conditions at the beginning of the annual stress test cycle might warrant a decline in equity prices that is smaller or larger than 50 percent. This flexibility reduces the likelihood that the calibration of the trough would

unduly amplify rising or falling valuation pressures in equity prices over the past year. When the stock market does well (or poorly) in the prior year, the guide stipulates that equity prices fall by more (respectively, less), with the exact amount determined by one half of the prior year’s price change. The use of half instead of, for example, full price change results in troughs that are less likely to be unduly severe. This calibration of the guide is based on historical equity market valuations. However, when recent price moves are not consistent with fundamentals or longer-term trends, the Board could deviate from the proposed guide and use price growth over a longer horizon.

Table 12: Summary Statistics for Equity Prices¹⁶⁴

	Financial stress episodes ⁽¹⁾	2007–2009 financial crisis ⁽²⁾	Past scenarios ⁽³⁾
Jump-off value to trough change (percent) ⁽⁴⁾	-24.4	-47.7	-52.0
Trough timing (quarters) ⁽⁵⁾	3	3	4

Notes: (1) Financial stress episodes column includes averages across the following recessions and stress episodes (based on data availability): 1953Q2–1954Q2, 1957Q3–1958Q2, 1960Q2–1961Q1, 1969Q4–1970Q4, 1973Q4–1975Q1, 1980Q1–1980Q3, 1981Q3–1982Q4, 1990Q3–1991Q1, 2001Q1–2001Q4, 2008Q3–2009Q2, and 2019Q4–2020Q2; (2) For timing purposes, the stress episode of the 2007–2009 financial crisis recession is considered to start in 2008Q3, based on the timing of the Lehman Brothers bankruptcy; (3) The Past scenarios column includes averages across severely adverse scenarios from 2014–2025; (4) Jump-off corresponds to the minimum value of the variable in the four quarters before, and the first quarter of the financial stress period; (5) Trough timing corresponds to the quarter the minimum (the trough) value is achieved.¹⁶⁵

The choice of 10 percentage points as the upper bound for the absolute value of the year-to-year variation in this scenario variable, or equivalently the choice of effective bounds (between 40 and 60 percent) on the trough decline, is rooted in the data and is similar to

changes that have been used in past severely adverse scenarios. The upper end of the range would allow the Board to meaningfully increase scenario severity when equity market valuations are likely to be high or rising (as they were during the dot-com era) to ensure that firms are resilient to outsized losses if valuations return to more normal levels. The lower end of the range would allow the Board to reduce scenario severity if equity valuation pressures recently declined, as might be the case following a stock market correction or early in an economic recovery.¹⁶⁶ Setting a floor for the

decline in equity prices of 40 percent recognizes the fact that, not only do cyclical systemic risks build up at financial intermediaries during robust expansions, but a minimum level of risk exists even in an already stressed environment. Figure 2 illustrates how the proposed guide performs relative to the 2014–2025 stress test cycles, comparing the guide-implied decline with those of past stress test scenarios and realized changes in equity prices. Overall, the troughs implied by the proposed guide (solid line) are similar to past scenario other economic indicators that require additional judgments. Therefore, the Board has chosen to increase transparency and predictability by specifying this guide based on directly observable equity price changes and will typically use the guide rather than relying on judgmental assessments of other indicators of underlying valuation pressures.

¹⁶⁴ The Board uses the DWCF for the scenarios because this index encompasses a wider universe of stocks compared with the S&P 500 Composite. That said, the quantitative differences between the two measures are rather small. For instance, the implied declines in the dotcom episode would be 45.6 percent for both the Dow Jones time series and the S&P 500 Composite time series. Also, the overall correlation of the one-year growth rate computed for both time series on their common sample (1988Q1–2024Q4) is 0.99. Therefore, to cover a larger sample of historical episodes, the Board uses the S&P 500 Composite time series to compute statistics in columns (1) and (2) and uses the DWCF to compute statistics in column (3).

¹⁶⁵ DWCF: End-of-quarter value via Bloomberg Finance L.P. and S&P 500 Composite via Bloomberg Finance L.P.

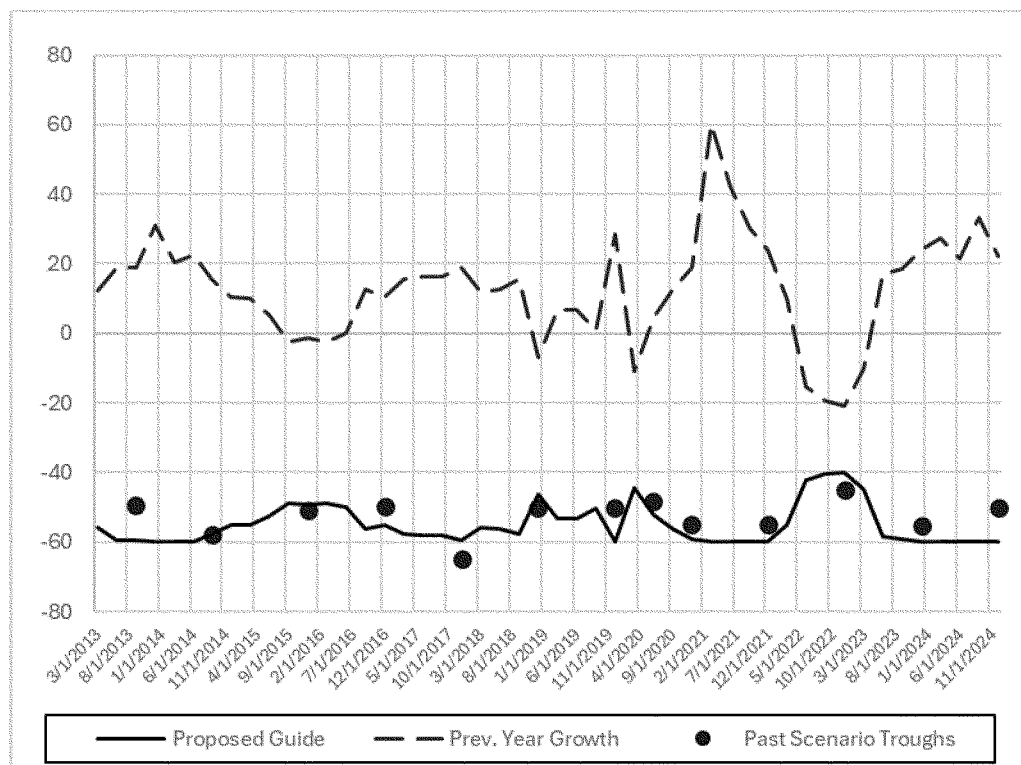
¹⁶⁶ Assessing equity market valuations requires some judgment as to the indicators that are used. Two commonly referenced indicators are the equity price to expected earnings ratio and the equity risk premium, which is the estimated expected return on equities minus the 10-year Treasury yield. These measures rely on projections of future earnings and

troughs. However, deviations between the proposed guide and past scenarios have been distributed across lower or higher severity, implying that the proposed guide and the previous more-judgmental process can provide similar

average severity across multiple years of stress tests. Indeed, the decline in equity prices in past stress test scenarios during 2014–2025 averages 52 percent, whereas the proposed guide's prescription of the declines for the same

period averages 55 percent. The slightly higher average decline is consistent with the principle of adequate severity discussed in Section IX.F of this Supplementary Information.

Figure 2: Implied Equity Price Declines, Trough Values of Past Scenarios, and Historical Data on Equity Price Growth over the Previous Year (in percent)¹⁶⁷



Alternative Trough Guide Option

The Board considered an alternative in which the trough would be a 50 percent decline from the jump-off value in equity prices unconditional on the previous year's price change and jump-off conditions. The 50 percent value is chosen based on the same reasons as the midpoint of the proposed guide. Although this alternative option is fully transparent and predictable, it has several weaknesses.

On average, the proposed guide would prescribe troughs that would have been somewhat lower than the alternative if it had been operational over the past 12 years: 55 percent for the proposed guide on average vs 50 percent for the alternative. However, although a 50 percent decline matches the judgmental average, it means that the test would be more severe each year

than the decline observed during the 2007–2009 financial crisis.

Furthermore, as the alternative guide is not sensitive to the jump-off conditions, the resulting troughs could be either excessive or insufficient in severity, thus exacerbating procyclicality in ways the proposed guide does not. This weakness would be particularly detrimental to the credibility of the stress test during long bull markets (as the United States has experienced during the stress testing era) or periods of protracted decline in equity prices as the stress test would be serially under- or over-stating the likely risks.

The Board also considered a wider range in the proposed guide. An upper bound of 15 percentage points for the variable change relative to the midpoint of 50 percent would imply a much wider range of 35 to 65 percent declines at the trough. A 65 percent decline has not been observed in the post-war US data, whereas a 35 percent equity price

decline could be insufficiently severe to maintain credibility of the test at times of heightened uncertainty. An upper bound of 5 percentage points for the variable change from the midpoint would cover the relevant historical benchmarks but would provide a narrow range: between 45 and 55 percent decline at the trough. This choice would substantially limit the Board's ability to match the severity of the equity price decline with the recent performance in equity markets so might inadvertently add to procyclical forces in financial markets. A choice of 10 percentage points as the upper bound on the change relative to the 50 percent midpoint strikes a balance between an overly narrow and an overly wide adjustment window.

Although the proposed and the alternative guides are both discussed, and the Board views the alternative guide as reasonable, the alternative guide's inability to respond to recent changes in equity valuations would be

¹⁶⁷ Bloomberg Finance L.P. (ticker: "DWCF") and Federal Reserve staff estimates.

a significant limitation compared with the proposed guide. The purpose of the alternative guide discussion is to invite comment on a reasonable alternative considered by the Board and to transparently lay out the Board's present arguments for choosing the proposed guide.

b. Additional Guide Parameters and Rationale Behind Them

Trough Timing

In general, the entire 13-quarter trajectory of stress test variables is important as it ultimately affects implied firm losses. The value of the trough and its timing signify the magnitude and timing of the most severe point in this trajectory. The guide stipulates that the trough level in the scenario would be reached in quarter 3 or quarter 4, which is consistent with historical observations (Table 12). For instance, in the stress episode surrounding the 2007–2009 financial crisis, the trough for equity markets occurred three quarters after the bankruptcy of Lehman Brothers in 2008Q3.¹⁶⁸ That timing also accords with the scenario narrative, in which a sudden and significant increase in uncertainty and rapid deterioration in risk appetite leads to a spike in financial market volatility and a sharp decline in U.S. financial assets during the first quarter of the scenario.

Trajectory to Trough Value

To reach the trough value, the guide prescribes that between 60 and 70 percent of the decline occurs in the first quarter of the scenario, 10 to 20 percent of the decline occurs in the second quarter, with the remaining decline being realized about equally in the remaining quarter(s) to trough. This trajectory is consistent with the scenario narrative in which a severe recession is triggered by a large financial shock in the first quarter followed by a return to normal market functioning in subsequent quarters.

These expected trajectory benchmarks reduce the variation in trajectories relative to previous scenarios: across past severely adverse scenarios, the median first quarter decline in equity prices was 68.3 percent of the total decline, so a range between 60 and 70 percent is in line with the midpoint of past scenario choices. Also, across past severely adverse scenarios, the median second quarter decline in equity prices

was 18.4 percent of the total decline, which is also within the range of 10 to 20 percent specified in this guide. Such a frontloaded decline is also consistent with the status of equity prices in the index of leading economic indicators and the empirical evidence from periods of equity market weakness.¹⁶⁹ Across episodes of stock market distress, the average share of the decline realized in the two quarters preceding the trough amounts to 63 percent, with one episode measuring a much higher 88 percent in one quarter (in 1962) and most measuring 50 percent or more for these two quarters (for example, 52 percent in the 2007–2009 financial crisis).¹⁷⁰

In specifying a range for the timing of the trough and the proportion of declines in each quarter along the trajectory to the trough the Board maintains the option to create more or less severe scenarios if it wishes to avoid adding to existing procyclical factors or for another reason. An earlier trough with higher frontloading of the declines generally would be more severe. The Board could consider an earlier trough timing or higher frontloading when economic and financial market conditions are buoyant, such as when equity prices have increased by more than the maximum 10 percent adjustment to the trough level. A delayed trough timing and lower frontloading generally would decrease the scenario severity. The Board could consider delayed timing of the trough or smaller frontloading when equity prices at jump-off are depressed but have been increasing, or are projected to increase, and firms have de-risked and begun to recognize related losses.

VIX

The stress test scenarios set out trajectories for several variables, including the VIX, that is, the Chicago Board Options Exchange's CBOE Volatility Index. The VIX is an index measuring implied volatility based on a portfolio of options of the Standard and Poor's 500 (S&P 500).¹⁷¹ The VIX is calculated and distributed by the Chicago Board Options Exchange.¹⁷²

¹⁶⁹ In the academic literature, stock prices are well-known to be fast-moving or forward-looking variables that react to shocks fast. See *infra* note 163.

¹⁷⁰ The episodes of stock market distress include the recessions of 1969, 1973, 2001, the 2007–2009 financial crisis as well as the stock market decline in 1962.

¹⁷¹ The S&P 500 is a stock market index tracking the stock performance of 500 leading companies listed on stock exchanges in the United States.

¹⁷² Chicago Board Options Exchange via Bloomberg Finance L.P. (ticker: "VIX Index").

The VIX is often referred to as the "fear index" because it measures the market's expectation of future volatility. Furthermore, equity market volatility has been often used as an indicator of the price of risk, along with the spreads, which can depress economic activity when elevated.¹⁷³

In the supervisory stress test models that use the macroeconomic scenario, the VIX can act as an indicator of stress for a wide range of important assets and income streams even if those business lines are not specifically linked to the VIX index. By incorporating the VIX into scenarios, stress tests help ensure that firms are prepared for a wide range of market conditions, including periods of extreme volatility and uncertainty and any associated economic downturn.¹⁷⁴ This helps maintain the overall stability and resilience of the financial system.

In the supervisory stress test scenarios, the VIX is converted to quarterly frequency using the maximum close-of-day value in any quarter and expressed in percent. The Board's use of this aggregation method in the scenarios, rather than average or quarter-end values as used for other variables, is a deliberate choice to have at least one scenario variable that reflects the unique nature of market volatility and its impact on financial institutions. This approach ensures firms are tested against the most extreme, potentially destabilizing market conditions, even if short-lived. Short-term and sharp increases in the VIX can reflect markets' initial response to changes in risk appetite or the economic outlook that then have longer-lasting adverse effects on the broader economy, such as reduced employment.¹⁷⁵ Moreover, the use of the maximum close-of-day values captures the non-linear effects of volatility spikes on financial instruments, risk models, and liquidity,

¹⁷³ The role of equity market volatility as an indicator of the price of risk (along with the spreads) is discussed in T. Adrian, N. Boyarchenko, & D. Giannone, *Vulnerable Growth*, 109 Am. Econ. Rev. 1263–89 (2019). Relatedly, the National Financial Conditions Index (NFCI) of the Federal Reserve Bank of Chicago constructs a risk subcomponent that is based on co-movement between volatility measures and spreads. See S. Brave & A. Butters, *Diagnosing the Financial System: Financial Conditions and Financial Stress*, 8 International Journal of Central Banking 191–239 (2012).

¹⁷⁴ See, e.g., N. Bloom, *The Impact of Uncertainty Shocks*, 77 Econometrica 623–85 (2009); S. Baker, N. Bloom, & S. Davis, *Measuring Economic Policy Uncertainty*, 131 Q. J. of Econ. 1593–1636 (2016).

¹⁷⁵ See, e.g., A. Chomicz-Grabowska & L. Orlowski, *Financial Market Risk and Macroeconomic Stability Variables: Dynamic Interactions and Feedback Effects*, 44 J. of Econ. & Fin. 655–69 (2020).

¹⁶⁸ Note that in the case of fast-moving variables (such as equity prices or the VIX), the Board times the onset of the stress period during the 2007–2009 financial crisis based on the Lehman Brothers bankruptcy rather than the NBER recession timing.

while also testing firms' ability to handle rapid market movements, margin calls, and behavioral factors during peak stress.

In determining the appropriate level of scenario severity, the Board adheres to scenario design principles discussed in Section IX.F of this Supplementary Information. While doing so, the Board also strives to avoid introducing additional sources of procyclicality into the financial system. In the context of

the VIX, these principles are applied in calibrating three key aspects of the guide: the peak value, the timing of the peak value, and the trajectory to peak. This approach ensures that the VIX guide aligns with the established stress testing literature while mitigating potential systemic risks for the financial system.

The rest of this section is organized as follows. First, Table 13 provides an overview of the VIX guide components,

which is followed by the guide description of the peak component. A data- and scenario-based rationale for the calibration of the peak component follows in the next subsection. Next is a discussion of an alternative peak option, comparing the implementation and caveats to the proposed guide option. Finally, additional guide parameters and the rationale for their calibration are discussed.

Table 13: Summary of the VIX Guide

Component	Proposed Guide
Peak value	VIX increases to the higher of a level between 65 percent and 75 percent, or by at least 10 percentage points from the jump-off value.
Peak value timing	2 quarters after jump-off.
Trajectory to peak value	Largest share, 60 to 80 percent, of increase realized in Quarter 1.

a. Peak Value Component of the Proposed Guide

The VIX will increase to a level between 65 percent and 75 percent or by at least 10 percentage points from the jump-off value, whichever results in a higher level.¹⁷⁶

Data- and Scenario-Based Rationale for the Peak Value

In line with the scenario design principles for setting the scenario severity, discussed in Section IX.F of this Supplementary Information, the VIX guide calibrates the minimum level to be between 65 percent and 75

percent. This choice is consistent with the historical observations during periods of stress (Table 14). In particular, the proposed range for the peak value of the guide is calibrated based mainly on the range of VIX realizations across four recent recessions or episodes of financial stress. The minimum value of 65 also reflects a judgment that the stress test always must be consistent with the goal of promoting financial stability, which means that markets and the public must continue to view the stress test as sufficiently severe to maintain confidence, especially during periods of

high uncertainty and volatility.¹⁷⁷ Thus, the lower end of the range for the guide is chosen to be modestly above the average VIX peak of 61 percent (first column). Moreover, setting a floor for the increase in the VIX of 65 percent recognizes the fact that, not only do cyclical systemic risks build up at financial intermediaries during robust expansions, but a minimum level of risk exists even in an already stressed environment. The higher end of the range is close to the maximum value across those periods, 83 percent, which was observed during the COVID-19 pandemic (third column).

¹⁷⁶ Theoretically, there is no upper bound on the VIX; *i.e.*, it is not constrained by 100 percent (or any other ceiling value). However, a value surpassing

100 percent would require extraordinary levels of daily market volatility and has never been observed in the historical sample, spanning 1990Q1–2025Q1.

¹⁷⁷ See Judge (2022), *supra* note 103.

Table 14: Summary Statistics for the VIX

	Financial stress episodes ⁽¹⁾	2007–2009 financial crisis ⁽²⁾	COVID-19 ⁽³⁾	Past scenarios ⁽⁴⁾
Peak value (percent) ⁽⁵⁾	61.3	80.9	82.7	70.5
Jump-off value ⁽⁶⁾ to peak change (percentage point)	38.6	56.7	62.1	42.6
Peak timing (quarters) ⁽⁷⁾	3	2	2	2

Notes: (1) Financial stress episodes column includes averages across the following recessions and stress episodes (based on data availability): 1990Q3–1991Q1, 2001Q1–2001Q4, 2008Q3–2009Q2, and 2019Q4–2020Q2; (2) For timing purposes, the stress episode of the 2007–2009 financial crisis recession is considered to start in 2008Q3, based on the timing of the Lehman Brothers bankruptcy; (3) The COVID-19 column follows the NBER recession dates of 2019Q4–2020Q2; (4) The past scenarios column includes averages across severely adverse scenarios from 2014–2025; (5) Peak value corresponds to the maximum value achieved during or in the four quarters after a financial stress period; (6) Jump-off corresponds to the minimum value of the variable in the four quarters before, and the first quarter of the financial stress period; (7) Peak timing corresponds to the quarter the maximum (peak) value is achieved.¹⁷⁸

The minimum increment of 10 percentage points would only be relevant if the jump-off occurred during a period of already-high volatility (for example, in the 2007–2009 financial crisis, when the peak was 81 percent, or in the COVID–19 pandemic, when it was 83 percent). In such an instance, the guide allows for the possibility that conditions could worsen further, given the other aspects of the severely adverse scenario, such as the increase in unemployment and decline in house prices from the baseline. This assumption ensures that the VIX scenario peak is adequately severe.

Limiting the increase to 10 percentage points ensures, however, that the peak does not deviate too far from historically observed levels and become unduly contractionary.

Figure 3 plots historical VIX data, past scenario peaks, and this guide (solid lines). On average across the past stress test scenarios (2014–2025), the VIX has been approximately 30 percent at the jump-off quarter, *i.e.*, the data observation serving as a starting point for the scenario. The implied increase from the initial condition to the peak can be quite large—in such instances where the VIX is around 30 percent at

the jump-off quarter, the increase to the peak value would be between 35–45 percentage points. Such rapid increases in the VIX are consistent with what occurred during the four stress episodes considered in this calibration. On average across those episodes, which start in 1990Q1 when data for the VIX became available, the VIX increases by approximately 39 percentage points from the onset of a stress event, which is one quarter before the start of the NBER recession date, to its peak, a value within the range implied by the guide (see Table 14, first column).

¹⁷⁸ Source: Data for the VIX are from the Chicago Board Options Exchange via Bloomberg Finance

L.P. (ticker: “VIX Index”) and span the period 1990Q1–2025Q1.

Figure 3: Implied Range of the VIX, Peak Values in Past Scenarios, and Historical Data on the VIX (in percent)¹⁷⁹

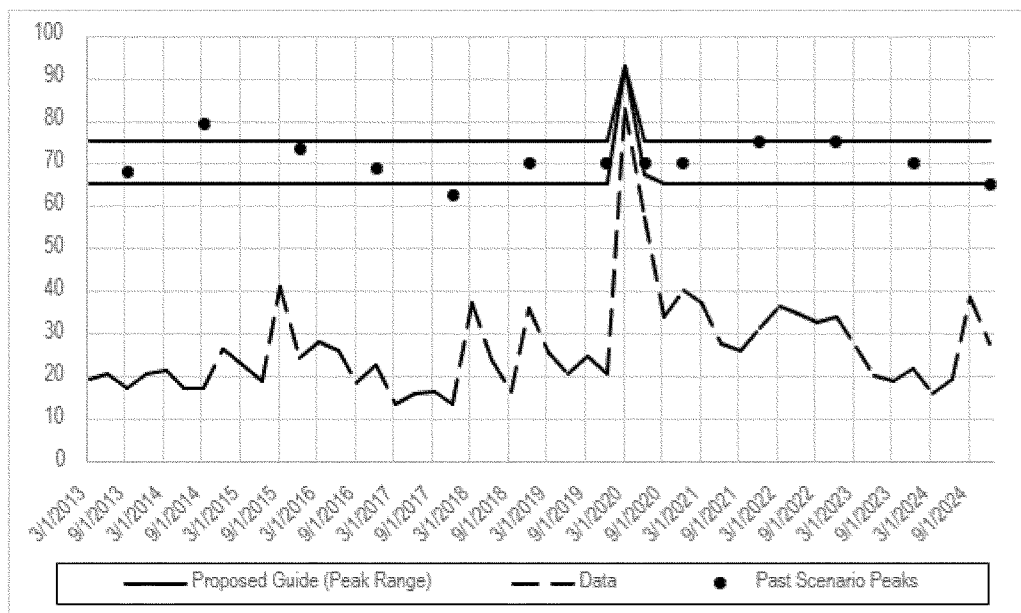


Figure 3 illustrates the comparison of the guide-implied peak range of the VIX (delineated by the solid lines) against the peaks in past stress test scenarios (shown as dots), accompanied by the respective jump-off points from the data (dashed line). Two key results emerge. First, past peaks chosen by the Board in previous severely adverse scenarios are mostly within the bounds that would have been stipulated by the VIX guide. In the two instances where the Board would have been more constrained, one episode was higher than the upper bound and the other lower than the lower bound. Thus, the guide is likely to result, on average, in similar stress test severity as before this revision to the policy statement while having the benefit of each individual year's scenario being more transparent and predictable. Second, the flexibility in the proposed guide to have a minimum increase of 10 percentage points provides adequate severity during stressful times, even beyond the upper end of the range for typical jump-off quarters. For instance, in 2020Q1, when the COVID-19 pandemic unfolded and the VIX jumped, reaching the historical maximum of the VIX, the prescribed peak would have been higher than 75 percent. Given the severity of the underlying conditions in 2020Q1, the peak would be determined by the jump-off point and the 10-percentage-point

increment, resulting in a peak of 93 percent.

In its formulation of the annual scenarios, the Board's considerations would include the overall level of cyclical systemic risk, the current level of the VIX as a contemporaneous indicator of uncertainty and financial stress, and the performance of equity prices within the past 12 months as a forward-looking indicator of economic and financing conditions to determine the appropriate increase in the VIX in the scenario. As discussed in Section IX.F of this Supplementary Information, the Board expects to calibrate the increment in the VIX based on its views of the status of cyclical systemic risk. Specifically, the Board would be more likely to set the VIX peak value at the higher end of the range if the Board expects that cyclical systemic risks are high (as it would be after a sustained long expansion), and alternatively would be more likely to set the peak value to the lower end of the range if cyclical systemic risks are low (as it would be in the earlier stages of a recovery), provided doing so remained consistent with the goal of ensuring that firms were properly capitalized to withstand severe economic and financial conditions. This may result in a scenario that is more intense than normal if the Board expects that cyclical systemic risks were to be increasing in a period of sustained robust expansion. Conversely, it would also allow the Board to specify a scenario that is less intense than normal in an environment

where systemic risks appeared subdued, such as in the early stages of a recovery. This choice would consider that the scenario does not add unduly to remaining stress, thereby exacerbating the initial adverse shock. The lower end of the increase range could also be appropriate when underlying market uncertainty and financial stress start to recede and higher-than-usual credit losses stemming from previously elevated vulnerabilities were either already realized—or are in the process of being realized—and thus removed from firms' balance sheets.¹⁸⁰

Alternative Peak Guide Option

The Board considered an alternative in which the VIX would increase to 75 percent or by at least 10 percentage points from the jump-off value, whichever results in a higher level. In this alternative peak option, the VIX would be set at a level of 75 percent in typical future scenarios. This prescriptive implementation would follow the principle of conservatism by always moving the VIX close to its historical maximum. It would also have the benefit of increasing the predictability of the guide. However, when the VIX at the jump-off value is elevated but has been declining or is

¹⁷⁹ Sources: Chicago Board Options Exchange via Bloomberg Finance L.P. and Federal Reserve staff estimates.

¹⁸⁰ Evidence of market uncertainty and financial stress receding could include strong stock market performance or positive economic news related to GDP, unemployment or nonfarm payroll. Evidence that credit losses are being realized could include elevated charge-offs on loans and leases or loan-loss provisions in excess of gross charge-offs.

projected to decline and firm balance sheets are recovering, this alternative would remove the Board's discretion to choose a lower peak for the VIX. A lower but still constant value for the VIX guide in a typical scenario, for instance with a lower bound of 65 percent (corresponding to the average value across past scenarios) might not provide sufficient resilience in normal times, as the actual peaks of the VIX in the 2007–2009 financial crisis and during the COVID–19 pandemic exceeded 80 percent. Although a lower anchor could be coupled with a higher minimum increment value—for example, 20 percentage points—such a large increment in already stressful times removes the Board's discretion to choose a less severe VIX peak. Although the proposed and alternative guides are discussed, and the Board views a more restrictive alternative guide as potentially reasonable, the Board believes the alternative guide is inferior to the proposed guide, given the variation in peak levels of the VIX the Board has found appropriate in past stress test scenarios. Nonetheless, the purpose of the alternative guide discussion is to invite comment on a reasonable alternative considered by the Board and to transparently lay out the Board's present arguments for choosing the proposed guide.

b. Additional Guide Parameters and Rationale Behind Them

Peak Timing

In general, the entire 13-quarter trajectory of stress test variables is important as it ultimately affects implied firm losses. The value of the peak and its timing signify the magnitude and timing of the most severe point in this trajectory. The guide stipulates that the peak level in the scenario would be reached in quarter 2, which is consistent with past severely adverse scenarios and historical observations. The peak was reached in quarter 2 in both the 2007–2009 financial crisis and in the COVID–19 pandemic (see Table 14).¹⁸¹ Averaging

¹⁸¹ The Board determined that the timing of the start of the stress period should sometimes differ from the start date of the recession determined by the NBER. For potentially fast-moving variables (such as the VIX), the Board times the onset of the stress period during the 2007–2009 financial crisis based on the Lehman Brothers bankruptcy on September 15, 2008. This event is widely considered to be the most significant of the events that roiled financial markets during the 2007–2009 financial crisis episode. As stress test data operate at quarterly frequency, the Board's timing of this event for determining the subsequent timing of the peak VIX is in 2008Q3. The focus on the Lehman Brothers bankruptcy as the triggering event is more consistent with the stress test scenario narrative in

across all four financial stress episodes used to calibrate the guide yields a peak in quarter 3. As historical maximum values of the VIX were reached in the 2007–2009 financial crisis and during the COVID–19 pandemic, and the scenario narrative specifies that the event is triggered by a financial crisis similar to events in the fall of 2008, the Board considers the peak timing in quarter 2 more appropriate for both the proposed and the alternative guide.

Trajectory to Peak Value

To reach the peak value, the guide prescribes that the highest share, 60 to 80 percent, of the VIX increase occurs in the first quarter of the scenario. Such frontloading of the increase is broadly consistent with empirical evidence and with the behavior of the other fast-moving variables (such as equity prices) in the scenario. Additionally, the academic literature considers the VIX (and other measures of uncertainty) a contemporaneous stress indicator that can respond to shocks on impact and stresses the importance of contemporaneous feedback between uncertainty and financial conditions.¹⁸² For instance, 100 percent of the increase in the VIX occurred in the first quarter of the 1990Q3–1991Q1 recession. During the 2007–2009 financial crisis, nearly 40 percent of the increase in the VIX occurred in the first quarter.¹⁸³ In specifying a target for the proportion of increase to be realized in the first quarter, the Board would follow the same approach that it would use to assess appropriate severity for the peak value. In particular, during economic booms, the Board might formulate a scenario with greater frontloading of the VIX increases, as the scenarios with greater frontloading would contribute to higher severity. In the case of an economy that is characterized by moderate or slowing economic growth, the Board would likely stipulate the middle of the range of the VIX increases. Whereas in economic downturns or at the beginning of a recovery, the Board would expect to formulate a scenario with less frontloading of the VIX increases.

which a financial shock sets the stress test scenario dynamics in motion than the NBER recession date.

¹⁸² The importance of contemporaneous feedback between uncertainty and financial conditions is discussed, for example, in S. Gilchrist, J. Sim, & E. Zakrajsek, *Uncertainty, Financial Frictions, and Investment Dynamics*, NBER Working Paper (2014), and D. Caldara et al., *The Macroeconomic Impact of Financial and Uncertainty Shocks*, 88 *European Econ. Rev.* 1166 (2016) (“Caldara (2016)”).

¹⁸³ See Table 14.

5-Year Treasury Yield

The stress test scenario sets out trajectories for several variables, including the 5-year Treasury yield, which is measured using the quarterly average of the yield on 5-year U.S. Treasury notes.¹⁸⁴

Because banks generally engage in maturity transformation by borrowing short-term (*i.e.*, deposits) to fund longer-term assets, fluctuations in interest rates can affect their financial health in various ways.¹⁸⁵ The 5-year Treasury yield is an important benchmark rate for credit markets and is, thus, directly related to the profitability of banks' investments in loans and securities as well as their trading activities. For example, a decline in longer-term Treasury yields that exceeds the decline in short-term yields (known as a flattening of the yield curve) tends to compress firms' net interest margins and can therefore reduce their profitability. At the same time, the decline in such yields tends to increase the market value of firms' investments in long-term fixed-rate bonds, some which is reflected in various measures of capital at firms.¹⁸⁶ Incorporating the 5-year Treasury yield into the supervisory stress test helps to ensure that firms are prepared for a wide range of market conditions, including periods with a sudden decline in a credit market benchmark rate. This helps maintain the overall stability and resilience of the financial system.

The Board uses a quarterly average of the 5-year Treasury yield in the stress test scenarios. Quarterly averages smooth out excessive (and potentially irrelevant) volatility that is present at daily or even monthly frequencies. Using quarterly averages strikes a balance between being sensitive enough to capture market trends and stable enough to avoid overreaction to market noise. Relatedly, the 5-year yield reflects long-term expectations of overall economic conditions. Therefore, removing short-term volatility from this measure via quarterly averaging is likely to, more-often-than-not, result in a

¹⁸⁴ This series is constructed by Federal Reserve staff based on the Svensson smoothed term structure model. L. Svensson, *Estimating Forward Interest Rates with the Extended Nelson-Siegel Method*, 3 *Sveriges Riksbank Q. Rev.* 13–26 (1995).

¹⁸⁵ See W. English, S. Van den Heuvel, & E. Zakrajsek, *Interest Rate Risk and Bank Equity Valuations*, 98 *Journal of Monetary Economics* 80–97 (2018).

¹⁸⁶ The change in the fair value of securities held for sale is reflected in common equity for all firms and in common equity tier 1 for firms subject to Category I and Category II standards, as well as firms that opt into that treatment. See 12 CFR part 252.

better representation of macroeconomic conditions.

In determining the appropriate level of scenario severity, the Board adheres to scenario design principles discussed in Section IX.F of this Supplementary Information. While doing so, the Board also strives to avoid introducing additional sources of procyclicality into the financial system. In the context of the 5-year yield, these principles are applied in calibrating three key aspects

of the guide: the trough value, the timing of the trough value, and the trajectory to trough. This approach ensures that the 5-year yield guide aligns with the established stress testing literature while mitigating potential systemic risks for the financial system.

The rest of this section is organized as follows. First, Table 15 presents an overview of the 5-year Treasury yield guide components, followed by the guide description of the trough

component. The next subsection provides the data- and scenario-based rationale for the calibration of the trough component. A discussion of an alternative trough option follows in the next subsection, comparing the implementation and caveats to the proposed guide option. Finally, additional guide parameters (trough value timing and trajectory to the trough) and the rationale for their calibration are discussed.

Table 15: Summary of 5-year Treasury Yield Guide

Component	Proposed Guide
Trough value	The 5-year yield will fall between 1.5 and 3.5 percent, subject to a lower bound of 0.3 percent or a decline of 0.3 percentage points from the jump-off level, whichever is lower.
Trough value timing	1 to 4 quarters after jump-off
Trajectory to trough value	The largest share of the decline is realized in Quarter 1. The approximate share is given by the following formula: $100\% - 15\% * (\text{Trough value timing} - 1).$ Thereafter, the yield declines to its trough level at smoothly decreasing percent reductions.

a. Trough Value Component of the Proposed Guide

Under the proposed guide, the 5-year Treasury yield decreases from its starting value by 1.5 to 3.5 percentage points. The Board expects to determine the size of the scenario's decline based on relevant banking, macroeconomic, or other conditions in the economy or financial markets.¹⁸⁷ Additionally, the size of the decline will likely be informed by (a) the behavior of short-term interest rates in the macroeconomic model for stress testing that the Board has developed specifically to aid in communicating the stress test scenario to the public,¹⁸⁸ (b) estimates of the likely term premiums in a period of economic weakness consistent with the scenario narrative, and (c) risks that are apparent in

relevant indicators of economic and financial conditions.¹⁸⁹ However, the guide restricts the 5-year Treasury yield from falling below a lower bound of 0.3 percent or a decline of 0.3 percentage points from the jump-off level, whichever is lower.

Data- and Scenario-Based Rationale for the Proposed Trough Value

In the recession approach chosen by the Board, risk-free long-term interest rates fall because reduced economic activity and inflation result in an easing of monetary policy. As noted above, declining interest rates can have both positive and negative implications for firms' capital levels, depending on the firm's business model and the specific composition of its assets and liabilities at the start of the stress test.

In line with these guiding principles as well as those emphasized by the stress testing literature discussed in Section IX.F of this Supplementary Information, the Board considers the behavior of the 5-year Treasury yield

during four financial stress episodes since the mid-1980s, including the 2007–2009 financial crisis, to calibrate the guide (Table 16).¹⁹⁰ The average decline in the 5-year Treasury yield

¹⁹⁰ In contrast with the calibration of other scenario variable guides, the Board considers the behavior of the 5-year Treasury yield during four financial stress episodes only after the mid-1980s. These financial stress episodes include NBER recessions in 1990Q3–1991Q1, 2001Q1–2001Q4, 2008Q3–2009Q2 (Lehman Brothers bankruptcy as a forcing event), and 2019Q4–2020Q2. For the purposes of calibrating representative yield behavior during stress episodes, the Board chose to focus on the recessions since the mid-1980s, as the period after the mid-1980s is characterized by a major monetary policy regime shift and stabilization in the interest rate environment. The mid-1980s marked the end of the “Great Inflation,” an era that began in the mid-1960s and was characterized by persistently high inflation and accommodative monetary policy. In response, monetary policy underwent a major regime shift in the early 1980s. This regime shift began the era of “Great Moderation” marked by low and stable inflation and reduced macroeconomic volatility. See, e.g., R. Clarida, J. Gali, & M. Gertler, *Monetary Policy Rules and Macroeconomic Stability: Evidence and Some Theory*, 115 Q. J. of Econ. 147–80 (2000); Federal Reserve History, Federal Reserve Bank of St. Louis, “Great Inflation,” <https://www.federalreservehistory.org/essays/great-inflation>; Federal Reserve History, Federal Reserve Bank of St. Louis, “Great Moderation,” <https://www.federalreservehistory.org/essays/great-moderation>.

¹⁸⁷ Depending on the level of short-term interest rates, in some scenarios, the short-term rate could reach its trough slower than the 5-year and 10-year yields. In those cases, the scenario would include the inversion of the yield curve in the first few scenario quarters. Such behavior is in line with past scenarios as well as behavior of interest rates preceding past stress episodes, like the 2001Q1–2001Q4 recession, the 2007–2009 financial crisis and the COVID–19 pandemic.

¹⁸⁸ See <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>.

¹⁸⁹ In the Board's macroeconomic model for the stress test, the path of the 5-year Treasury yield is determined as the sum of the expected federal funds rate implied by the scenario and the paths of the term premiums.

during those financial stress episodes has been around 2.7 percentage points, ranging from 2.1 to 3.5 percentage

points.¹⁹¹ Notably, the percentage-point decline in the 5-year yield across these recessions is consistent even though the

level of the yield at the start of the period has varied considerably.

Table 16: Summary Statistics for 5-year Treasury Yields (quarterly averages)

	Financial stress episodes ⁽¹⁾	2007–2009 financial crisis ⁽²⁾	Past scenarios ⁽³⁾
Trough value (percent) ⁽⁴⁾	3.0	1.9	0.5
Jump-off ⁽⁵⁾ to trough change (percentage points)	-2.7	-2.6	-1.6
Trough timing (quarters) ⁽⁶⁾	5	3	3

Notes: (1) These episodes include 1990Q3–1991Q1, 2001Q1–2001Q4, 2008Q3–2009Q2, and 2019Q4–2020Q2; (2) For timing purposes, the stress episode of the 2007–2009 financial crisis recession is considered to start in 2008Q3, based on the timing of the Lehman Brothers bankruptcy; (3) The Past scenarios column includes averages across binding scenarios from 2014–2025; (4) Trough value corresponds to the minimum value achieved during or in the four quarters after a financial stress period; (5) Jump-off corresponds to the minimum value of the variable in the four quarters before, and the first quarter of the financial stress period; (6) Trough timing corresponds to the quarter the minimum (the trough) value is achieved.¹⁹²

The evidence from the historical stress episodes along with the principle of conservatism and the goal of avoiding the addition of sources of procyclicality suggest that a decline of 1.5 to 3.5 percentage points in the 5-year Treasury yield would be reasonable. The lower end of the range (*i.e.*, 1.5 percentage points) is somewhat below the historical average decline in the yield during financial stress episodes and in previous severely adverse scenarios (Table 14), leaving room to adjust the decline—and thus severity of the scenario—relative to the historical average. The 5-year yield declined by 2.1 percentage points during the 1990Q3–1991Q1 recession. The higher end of the range for the decline (*i.e.*, 3.5 percentage points) is driven by observations in the data as well as the guiding principles: first, the largest decline in the 5-year yield during NBER recessions since the mid-1980s has been 3.5 percentage points. This decline took place during the 2001Q1–2001Q4 recession. However, outside recessions, there are episodes displaying more sizable drops in the 5-year yield over the horizon of 13 quarters (matching the scenario horizon), the declines ranging from 2.6 to 6.1 percentage points. In particular, the episode spanning 1984Q2–1987Q2 had a drop of 6.1 percentage points, the

episode spanning 1990Q3–1993Q3 had a drop of 3.5 percentage points, and the episode spanning 1999Q4–2002Q4 had a drop of 3.1 percentage points. These observations suggest that a decline of 3.5 percentage points in the 5-year yield is coherent with past experiences. Second, allowing the 5-year yield to potentially fall more than what has been observed, on average, during past recessions speaks to the guiding principle that adequate severity might sometimes require a scenario that is somewhat beyond typical historical experiences. The guide also imposes a 0.3 percent lower bound for the value of the 5-year Treasury yield. The Board opted for this near zero, albeit positive, lower bound for a few reasons. First, the lower bound is intended to limit the extent that an annual scenario may unduly disincentivize bank lending when the economy is entering or recovering from a severe downturn. Second, this choice increases the predictability of the 5-year Treasury yield path in the scenario. Third, the lower bound is calibrated to be in line with the historical episodes. The 5-year Treasury yield declined to similar levels during the COVID–19 pandemic, reaching 0.3 percent in 2020Q3. Finally, the guide imposes a decline of 0.3 percentage points in the

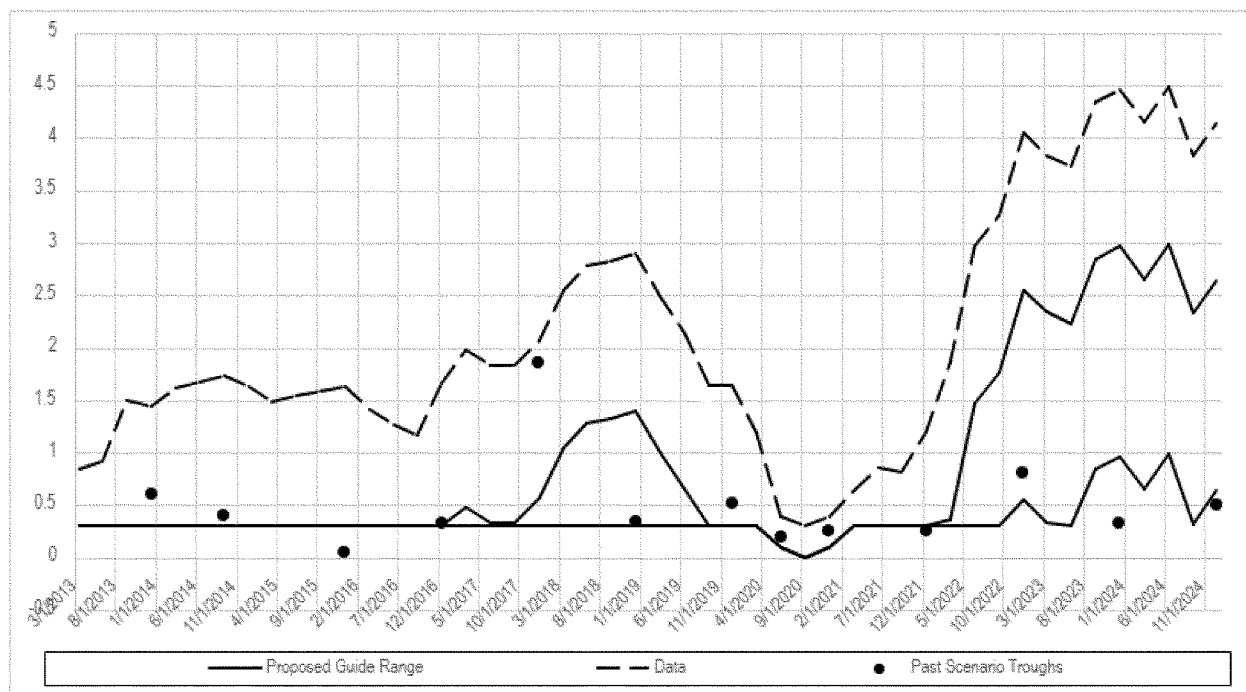
yield when the jump-off value of the 5-year yield is close to or below its historical minimums at the scenario jump-off. In particular, this element binds when the yield is below 0.6 percent at the jump-off. This element further increases transparency on the yield trough level in the scenarios in various potential interest rate environments outside historical experiences. To illustrate how the trough levels of scenarios consistent with this guide would compare to the past stress test scenarios, consider the history of the 5-year yield and its scenario values at the trough over the period in which the Board has been conducting annual stress tests, from 2014 to 2025 (Figure 4). The past stress test scenario troughs are depicted as dots, whereas the range that is spanned by the proposed guide is indicated by the solid lines, incorporating the lower bound. The dashed line depicts the quarterly average of the 5-year Treasury yield observed in the data. This period contains both low- and high-interest rate environments: The quarterly average of the 5-year Treasury yield over that period was 2.1 percent, ranging between 0.3 and 4.5 percent at the jump-off quarter.

¹⁹¹ The average decline during all the NBER recessions starting from the 1969Q4–1970Q4 recession is 2.5 percentage points, which is close to

the average since the mid-1980s, but the range of declines is wider.
¹⁹² Quarterly average of the yield on 5-year U.S. Treasury notes, constructed by Federal Reserve staff

based on the Svensson smoothed term structure model. See Svensson (1995), *supra* note 184.

Figure 4i: Implied Range of the 5-year Treasury Yield, Trough Values of Past Scenarios, and Historical Data on the 5-year Treasury Yield (in percent)¹⁹³



During the periods in which the 5-year yield was below 1.7 percent, such as most quarters between 2013 and 2016, and 2020 to 2021, the guide would prescribe the lower bound for the 5-year yield. In a higher-rate environment, however, a severe drop in the 5-year yield would not necessarily imply a yield close to zero, which the guide takes into an account. Between 2017Q1 and 2019Q2, the interest rate environment was such that the decline in the yield within the range of 1.5 to 3.5 percentage points would have provided the Board with the discretion to choose trough levels in the range of 0.3 and 1.4 percent. After 2022Q1, the proposed guide would have constrained the Board at times to a choice of yield levels significantly greater than the 0.3 percent lower bound.

Figure 4 also illustrates that the troughs implied by the proposed guide are quantitatively close to, but not the same as those featured in the past stress test scenarios during the low-interest-rate environment from 2013 to 2022 (the dots are located closer to the binding lower bound in most years). In several of those years, the Board chose a level for the trough that was modestly above the level that would have been prescribed by the guide and in one case

the Board chose a level below the guide. However, with interest rates having risen to moderate levels between 2023 and 2025, the guide would have required the Board to choose a higher trough in 2024 and 2025 than it did.

The Board considers these deviations from past scenarios to be an acceptable consequence of adopting the guide, given its goal of increasing predictability and transparency in the stress test. On the one hand, a more flexible guide, which would encompass a higher share of the past scenario troughs both in the lower and higher interest rate environments, would call for a wider range in the variable component of the guide. While a wider range would increase scenario flexibility, it would come at the expense of predictability. The proposed range strikes a balance between providing an adequate amount of flexibility to allow for adjusting scenario severity based on economic and financial conditions and keeping scenarios predictable. On the other hand, keeping the range as is, one could also consider shifting the range up or down to better enclose the past scenario troughs. If the range was shifted down (e.g., 1.0 to 3.0 percent), the guide would better encompass the past scenario troughs during the low-interest-rate periods, but the opposite would be true for the post-COVID-19 periods. If the range was shifted up (e.g., 2.0 to 4.0 percent), the guide would

better encompass the past scenario troughs between 2023 and 2025, but the lower bound would bind for a larger number of scenario troughs between 2013 and 2021. Thus, shifting the range would not meaningfully change how well the guide aligns with the past scenario troughs. Lastly, as the deviations from past scenarios would have been in both directions, the Board expects that the proposed guide will be broadly consistent with maintaining an average level of severity of stress tests going forward that is similar to what it has been under the Scenario Design Policy Statement.

In setting the 5-year Treasury yield trough value, the Board could consider the overall level of cyclical systemic risk, and the current level of the 5-year Treasury yield as a benchmark measure of overall economic and financing conditions. As discussed earlier in Section IX.F of this Supplementary Information, the Board expects to calibrate the increment in the 5-year yield in consideration of observable cyclical systemic risk. The Board would also consider how declines in Treasury yields, which decrease net income but increase the market value of firms' long-term securities holdings, interact with the current vulnerabilities in the banking sector. In general, a decline in long-term interest rates may have a positive or negative effect on the severity of the scenario for a given firm

¹⁹³ Quarterly average of the yield on 5-year U.S. Treasury notes, constructed by Federal Reserve staff based on the Svensson smoothed term structure model. See Svensson (1995), *supra* note 184.

depending on the firm's exposure to interest rate risk, which may vary from year to year depending on the firm's portfolio. In reaching its determination to set this guide in an annual scenario, the Board will consider how the choice would promote stress test credibility and the resilience of the financial system to even worse outcomes. If the Board observes that cyclical systemic risks were increasing in a period of sustained robust expansion, the Board might choose a scenario that is more severe than normal. The choice would also depend on firms' exposure to interest rate risk. Conversely, the Board could specify a scenario that is less intense than normal in an environment where systemic risks appeared subdued, such as in the early stages of a recovery, provided that doing so remained consistent with the goal of ensuring that firms were properly capitalized to withstand severe economic and financial conditions. A less severe scenario could also be appropriate when underlying market uncertainty and financial stress start to recede and higher-than-usual credit losses were either already realized—or are in the process of being realized—and thus removed from firms' balance sheets. The choice would consider that the scenario does not add unduly to remaining stress, thereby exacerbating the initial adverse shock, and it would be particularly appropriate if the Board judges that firms are already taking steps to reduce their risk.¹⁹⁴

Alternative Trough Guide Option

As an alternative, the Board also considered a guide in which the 5-year Treasury yield would decline by 2.5 percentage points regardless of the jump-off conditions, with the lower bound still applying. Under this alternative, the decline of 2.5 percentage points is chosen based on the same observations shown in Table 16. In particular, 2.5 percentage points is close to the average decline in the 5-year Treasury yield observed during the financial stress episodes (2.7 percentage points). The choice of a single value in the middle of the range proposed in the proposed version of this guide reflects the offsetting effects of interest rates on net interest margin and fair value of securities.

The Board considered this alternative because of its goal of increasing

transparency and predictability of the stress test, while maintaining sufficient severity. However, the Board recognizes that this alternative guide would not avoid adding sources of procyclicality as effectively as the proposed guide. In particular, it would reduce the Board's flexibility during periods of moderate or high interest rates to test the resilience of firms' net income to a sharper decline in interest rates. However, as noted above, declines in yields have offsetting effects on firms' regulatory capital in the stress test because they decrease net income but increase the market value of their long-term securities holdings. Thus, a more flexible guide could have more-balanced effects on the stress capital buffer calculated from the stress test results.

While the alternative troughs fall within the range determined by the proposed guide, these trough levels can be significantly higher or lower than the values chosen by the Board in prior severely adverse scenarios. These deviations could impair the Board's ability to ensure that the stress test severity fully considers the risks that are apparent in relevant indicators of economic and financial conditions, particularly those related to the Treasury term premium, when determining the trough value. The Board views the alternative guide as reasonable. As compared to the proposed guide, the alternative guide would provide firms and the public with increased predictability regarding the trough value to be set for 5-year Treasury yields. However, this increased predictability under the alternative guide comes at the expense of the added flexibility inherent in the proposed guide to set the trough based on risks that are apparent in relevant indicators of economic and financial conditions and to avoid adding sources of procyclicality in the proposed guide. The purpose of the alternative guide discussion is to invite comment on a reasonable alternative considered by the Board and to transparently lay out the Board's present arguments for choosing the proposed guide.

b. Additional Guide Parameters and Rationale Behind Them

Trough Value Timing

In general, the entire 13-quarter trajectory of stress test variables is important as it ultimately affects implied firm losses. The value of the trough and its timing signify the magnitude and timing of the most severe point in this trajectory. The proposed guide suggests that the 5-year Treasury yield would reach the trough

between quarters 1 and 4 of the scenario. This timing is chosen such that the trough is consistent with the scenario narrative: the severely adverse scenario is triggered by a sizeable financial shock combined with a pronounced increase in unemployment and decrease in inflation. In response to these developments, both short- and long-term interest rates typically would fall sharply. The timing of the trough is also broadly consistent with the historical data (Table 16). Averaging across the four financial stress episodes, the trough is placed in the fifth quarter, but the trough occurred earlier during the two most recent recessions.¹⁹⁵ The 5-year yield reached its trough in quarter 3 during the 2007–2009 financial crisis and in quarter 4 during the COVID–19 pandemic. In the past stress test scenarios, the trough was also reached in quarter 3, on average. In setting this part of the guide in an annual scenario, the Board expects to consider the same indicators and other factors described above for the choice of the trough in the 5-year rate, so as best to promote stress test credibility and the resilience of the financial system to even worse outcomes.

Trajectory to Trough Value

The proposed guide stipulates that the largest share of the decline in the 5-year Treasury yield would be realized in quarter 1. A rapid, frontloaded decline of the 5-year yield to its trough would be consistent with the scenario narrative and the implied dynamics of the other variables, mainly the large increase in unemployment and resulting declines in inflation and output. In response to these developments, both short- and long-term interest rates would fall sharply, consistent with the Board's macroeconomic model for stress testing, and specifically the expectational component of the 5-year Treasury yield, which accounts for the future expected realizations of the macro variables that determine the policy rate rule.¹⁹⁶

To determine the specific path of the 5-year Treasury yield for a given trough timing, the Board considered a simple formula that can map the trough value timing to a share of decline in quarter

¹⁹⁵ These four episodes include 1990Q3–1991Q1, 2001Q1–2001Q4, 2008Q3–2009Q2 (Lehman Brothers bankruptcy as a forcing event), and 2019Q4–2020Q2 recessions.

¹⁹⁶ Existing studies suggest that it is beneficial to frontload interest rate cuts in response to shocks. See, e.g., R. Caballero & A. Simsek, *A Note on Temporary Supply Shocks with Aggregate Demand Inertia*, 5 *Am. Econ. Rev.: Insights* 241–58 (2023); R. Caballero & A. Simsek, *Monetary Policy and Asset Price Overshooting: a Rationale for the Wall/ Main Street Disconnect*, 79 *J. of Fin.* 1719–53 (2024).

¹⁹⁴ Evidence of market uncertainty and financial stress receding could include strong stock market performance or positive economic news related to GDP, inflation, unemployment or nonfarm payroll. Evidence that credit losses are being realized could include elevated charge-offs on loans and leases or loan-loss provisions in excess of gross charge-offs.

1. To do so, the Board considered lower and upper bound of trough timing described in the previous section. If the trough timing is quarter 1 (e.g., lower bound of the range), then the formula should yield 100 percent of the decline occurring in the first quarter. For trough timing of quarter 4, the Board took example of COVID-19 pandemic. During the COVID-19 pandemic, the 5-year yield reached its trough in quarter 4, and nearly 50 percent of the decline in the 5-year yield was realized during the first quarter. Using these reference points, the Board concluded that the following simple formula could determine the approximate share of the decline realized in quarter 1 as:

$$100\% - 15\% * (\text{Trough value timing} - 1).$$

This simple formula stipulates that when the scenario trough is realized in quarter 4, about 55 percent of the decline would be realized in quarter 1:

$$100\% - 15\% * (4 - 1) = 55\%$$

This result is broadly in line—if not exactly in line—with the data from the COVID-19 pandemic. The guide also stipulates that, after the initial decline realized in quarter 1, the yield declines to its trough at smoothly decreasing percent reductions.

10-Year Treasury Yield

The stress test scenarios set out trajectories for several variables, including the 10-year Treasury yield, which is measured using the quarterly average of the yield on 10-year U.S. Treasury notes.¹⁹⁷ Because banks generally engage in maturity

transformation by borrowing short-term (i.e., deposits) to fund longer-term assets, fluctuations in interest rates can affect their financial health in various ways. The 10-year Treasury yield is an important benchmark rate for credit markets and is, thus, directly related to the profitability of firms' investments in loans and securities as well as their trading activities. For example, a decline in longer-term Treasury yields that exceeds the decline in short-term yields (known as a flattening of the yield curve) tends to compress firms' net interest margins and can therefore reduce their profitability. At the same time, the decline in such yields tends to increase the value of firms' investments in long-term fixed-rate bonds, some of which is reflected in various measures of capital at firms.¹⁹⁸ Incorporating the 10-year Treasury yield into the supervisory stress test helps to ensure that firms are prepared for a wide range of market conditions, including periods with a sudden decline in a credit market benchmark rate. This helps maintain the overall stability and resilience of the financial system.

The Board uses a quarterly average of the 10-year Treasury yield in the stress test scenarios. Quarterly averages smooth out excessive (and potentially irrelevant) volatility that is present at daily or even monthly frequencies. Using quarterly averages strikes a balance between being sensitive enough to capture market trends and stable enough to avoid overreaction to market noise. Relatedly, the 10-year yield reflects long-term expectations of

overall economic conditions. Therefore, removing short-term volatility from this measure via quarterly averaging is likely to, more-often-than-not, result in a better representation of current macroeconomic conditions.

In determining the appropriate level of scenario severity, the Board adheres to scenario design principles discussed in the earlier Section IX.F of this Supplementary Information. While doing so, the Board also strives to avoid introducing additional sources of procyclicality into the financial system. In the context of the 10-year yield, these principles are applied in calibrating three key aspects of the guide: the trough value, the timing of the trough value, and the trajectory to trough. This approach helps ensure that the 10-year yield guide aligns with the established stress testing literature while mitigating potential systemic risks for the financial system.

The rest of this section is organized as follows. First, Table 17 presents an overview of the 10-year Treasury yield guide components, followed by the guide description of the trough component. The next subsection provides the data- and scenario-based rationale for the calibration of the trough component. A discussion of an alternative trough option follows in the next subsection, comparing the implementation and caveats to the proposed guide option. Finally, additional guide parameters (trough value timing and trajectory to the peak) and the rationale for their calibration are discussed.

Table 17: Summary of 10-year Treasury Yield Guide

Component	Proposed Guide
Trough value	The 10-year yield will fall between 1.0 and 3.0 percent, subject to a lower bound of 0.5 percent or a decline of 0.3 percentage points from the jump-off level, whichever is lower.
Trough value timing	1 to 4 quarters after jump-off
Trajectory to trough value	The largest share of the decline is realized in Quarter 1. The approximate share is given by the following formula: $100\% - 15\% * (\text{Trough value timing} - 1)$ Thereafter, the yield declines to its trough level at smoothly decreasing percent reductions.

¹⁹⁷ This series is constructed by the Board based on the Svensson smoothed term structure model. See Svensson (1995), *supra* note 184.

¹⁹⁸ The change in the fair value of securities held for sale is reflected in common equity for all firms and in common equity tier 1 for firms subject to

Category I and Category II standards, as well as firms that opt into that treatment. See 12 CFR part 252.

a. Trough Value Component of the Proposed Guide

The 10-year Treasury yield decreases from its starting value by between 1.0 to 3.0 percentage points. The Board will determine the size of an annual scenario's decline based on a number of factors, including relevant banking, macroeconomic, or other conditions in the economy or financial markets.¹⁹⁹ Additionally, the size of the decline will be informed by (a) the behavior of short-term interest rates in the macroeconomic model for stress testing that the Board has developed specifically to aid in communicating the stress test scenario to the public,²⁰⁰ (b) estimates of the likely term premiums in period of economic weakness consistent with the scenario narrative, and (c) risks

that are apparent in relevant indicators of economic and financial conditions.²⁰¹ However, the guide restricts the 10-year Treasury yield from falling below a lower bound of 0.5 percent or a decline of 0.3 percentage points from the jump-off level, whichever is lower.

Data- and Scenario-Based Rationale for the Proposed Trough Value

In the recession approach chosen by the Board, risk-free long-term interest rates fall because reduced economic activity and inflation result in an easing of monetary policy. As noted above, declining interest rates can have both positive and negative implications for firms' capital levels, depending on the firm's business model and the specific composition of its assets and liabilities at the start of the stress test.

In line with these guiding principles as well as those emphasized by the stress testing literature discussed in Section IX.F of this Supplementary Information, the Board considers the behavior of the 10-year Treasury yield during four financial stress episodes since the mid-1980s, including the 2007–2009 financial crisis, to calibrate the guide (Table 18).²⁰² The average decline in the 10-year Treasury yield during those financial stress episodes has been around 1.9 percentage points, ranging from 1.3 to 2.4 percentage points.²⁰³ Notably, the percentage-point decline in the 10-year yield across these recessions is similar even though the level of the yield at the start of the period has varied considerably.

Table 18: Summary Statistics for 10-year Treasury Yields (quarterly averages)

	Financial stress episodes ⁽¹⁾	2007–2009 financial crisis ⁽²⁾	Past scenarios ⁽³⁾
Trough value (percent) ⁽⁴⁾	3.9	3.2	0.8
Jump-off ⁽⁵⁾ to trough change (percentage points)	-1.9	-1.6	-1.7
Trough timing (quarters) ⁽⁶⁾	6	3	1

Notes: (1) These episodes include 1990Q3–1991Q1, 2001Q1–2001Q4, 2008Q3–2009Q2, and 2019Q4–2020Q2; (2) For timing purposes, the stress episode of the 2007–2009 financial crisis is considered to start in 2008Q3, based on the timing of the Lehman Brothers bankruptcy; (3) The Past scenarios column includes averages across binding scenarios from 2014–2025; (4) Trough value corresponds to the minimum value achieved during or in the four quarters after a financial stress period; (5) Jump-off corresponds to the minimum value of the variable in the four quarters before, and the first quarter of the financial stress period; (6) Trough timing corresponds to the quarter the minimum (the trough) value is achieved.²⁰⁴

The evidence from the historical stress episodes along with the principle of conservatism and the goal of avoiding the addition of sources of procyclicality suggest that a decline of 1.0 to 3.0 percentage points in the 10-year Treasury yield would be reasonable. The lower end of the range (*i.e.*, 1.0

percentage points) is somewhat below the historical average decline in the yield during financial stress episodes and in previous severely adverse scenarios (Table 18), leaving room to adjust the decline—and thus severity of the scenario—relative to the historical average. The 10-year yield declined by

1.3 percentage points during the 1990Q3–1991Q1 recession.

The higher end of the range for the decline (*i.e.*, 3.0 percentage points) is driven by observations in the data as well as the guiding principles: first, the largest decline in the 10-year yield during NBER recessions since the mid-

¹⁹⁹ Depending on the level of short-term interest rates, in some scenarios, the short-term rate could reach its trough slower than the 5-year and 10-year yields. In those cases, the scenario would include the inversion of the yield curve in the first few scenario quarters. Such behavior is in line with past scenarios as well as behavior of interest rates in past stress episodes, like the 2001Q1–2001Q4 recession, the 2007–2009 financial crisis and the COVID–19 pandemic.

²⁰⁰ See <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>.

²⁰¹ In the macroeconomic model for stress testing, the path of the 10-year Treasury yield is determined as the sum of the expected federal funds rate implied by the scenario and the paths of the term premiums.

²⁰² In contrast with the calibration of other scenario variable guides, the Board considers the behavior of the 10-year Treasury yield during four financial stress episodes only after the mid-1980s. These financial stress episodes include NBER recessions in 1990Q3–1991Q1, 2001Q1–2001Q4, 2008Q3–2009Q2 (Lehman Brothers bankruptcy as a forcing event), and 2019Q4–2020Q2. For the purposes of calibrating representative yield behavior during stress episodes, the Board chose to focus on the recessions since the mid-1980s, as the period after the mid-1980s is characterized by a major monetary policy regime shift and stabilization in the interest rate environment. The mid-1980s marked the end of the “Great Inflation,” an era that began in the mid-1960s and was characterized by persistently high inflation and

accommodative monetary policy. In response, monetary policy underwent a major regime shift in the early 1980s. This regime shift began the era of “Great Moderation” marked by low and stable inflation and reduced macroeconomic volatility. See *supra* note 190.

²⁰³ The average decline during all the NBER recessions starting from the 1973Q4–1975Q1 recession—the first NBER recession for which the 10-year Treasury yield data is available—is also 1.9 percentage points, but the range of declines is wider.

²⁰⁴ Source: Quarterly average of the yield on 10-year U.S. Treasury notes, constructed by Federal Reserve staff based on the Svensson smoothed term structure model. See Svensson (1995), *supra* note 184.

1980s has been 2.4 percentage points. This decline took place during both the 2001Q1–2001Q4 recession and the COVID–19 pandemic. However, outside recessions, there are episodes displaying more sizeable drops in the 10-year yield over the horizon of 13 quarters (matching the scenario horizon), the declines ranging from 2.2 to 5.8 percentage points. In particular, the episode spanning 1984Q2–1987Q2 had a drop of 5.8 percentage points, the episode spanning 1990Q3–1993Q3 had a drop of 3.0 percentage points, the episode spanning 1999Q4–2002Q4 had a drop of 2.2 percentage points, and the episode spanning 2018Q4–2021Q4 had a drop of 2.4 percentage points. These observations suggest that a decline of 3.0 percentage points in the 10-year yield is coherent with past experiences. Second, allowing the 10-year yield to potentially fall more than what has been observed during past recessions, on average, speaks to the guiding principle that adequate severity should be

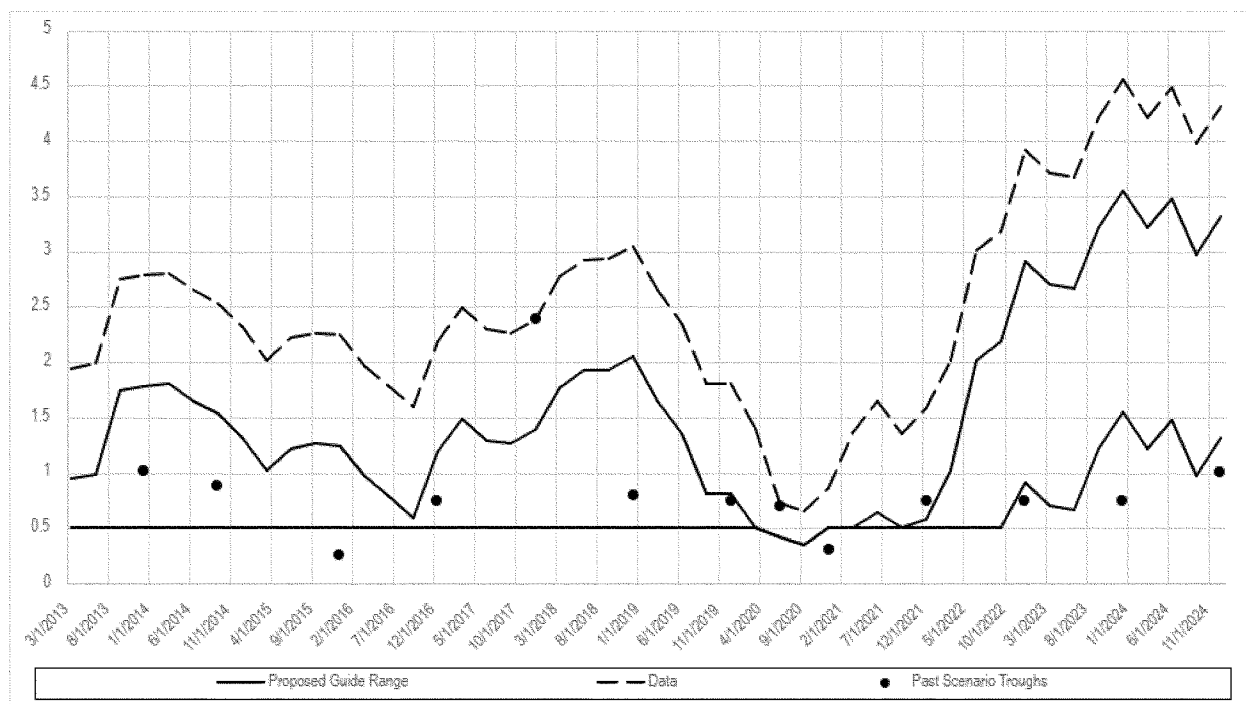
somewhat beyond historical experiences.

The guide also imposes a 0.5 percent lower bound for the value of the 10-year Treasury yield. The Board opted for this near zero, albeit positive, lower bound for a few reasons. First, the lower bound is intended to limit the extent that an annual scenario may unduly disincentivize bank lending when the economy is entering or recovering from a severe downturn. Second, this choice increases the predictability of the 10-year Treasury yield path in the scenario. Third, the lower bound is in line with the historical episodes. The 10-year Treasury yield declined to similar levels during the COVID–19 pandemic, reaching 0.6 percent in 2020Q3, but it has never fallen below that level. Finally, the guide imposes a decline of 0.3 percentage points in the yield when the jump-off value of the 10-year yield is close to or below its historical minimums at the scenario jump-off. In particular, this element binds when the yield is below 0.8 percent at the jump-

off. This element further increases transparency on the yield trough level in the scenarios in various potential interest rate environments outside historical experiences.

To illustrate how the trough levels of scenarios consistent with this guide would compare to the past stress test scenarios, consider the history of the 10-year yield and its scenario values at the trough over the period in which the Board has been conducting annual stress tests, from 2014 to 2025 (Figure 5). The past stress test scenario troughs are depicted as dots, whereas the range that is spanned by the proposed guide is indicated by the solid lines, which incorporate the lower bound. The dashed line depicts the quarterly average of the 10-year Treasury yield observed in the data. This period contains both low- and high-interest rate environments, and the quarterly average of the 10-year Treasury yield (depicted as a dashed line) has been 2.5 percent, with a range between 0.6 and 4.5 percent at the jump-off quarter.

Figure 5: Implied Range of the 10-year Treasury Yield, Trough Values of Past Scenarios, and Historical Data on the 10-year Treasury Yield (in percent)²⁰⁵



For periods when the 10-year yield is below 1.5 percent, such as the period

²⁰⁵ Source: Quarterly average of the yield on 10-year U.S. Treasury notes, constructed by Federal Reserve staff based on the Svensson smoothed term structure model. See Svensson (1995), *supra* note 184.

surrounding the COVID–19 pandemic, the guide would prescribe the lower bound for the 10-year yield. In other periods between 2013–2025, the 10-year yield has been high enough such that the lower bound of the guide is not strictly binding after applying the

minimum amount of decline in the guide. In a higher-rate environment, a severe drop in the 10-year yield would not necessarily imply a yield close to zero. Figure 5 illustrates that the range of troughs consistent with the proposed guide usually includes the values

featured in the past stress test scenarios during the low-interest-rate environment from 2013 to 2022 (the dots are located within the guide-prescribed range, or close to the binding lower bound in most years). In three of those years, the Board chose a level for the trough that was above the maximum level that would have been allowed by the guide and in two cases the Board chose a level modestly below the minimum level consistent with guide. With interest rates having risen to moderate levels between 2023 and 2025, the guide would have required the Board to choose a slightly higher trough in 2023 and 2025 and a notably higher trough in 2024 than the Board chose in those scenarios.

The Board considers these deviations from past scenarios to be an acceptable consequence of adopting the guide, given its goal of increasing predictability and transparency in the stress test. As the deviations from past scenarios would have been in both directions, the Board expects that the proposed guide will be broadly consistent with maintaining an average level of severity of stress tests going forward that is similar to what it has been under the previous scenario design framework.

In setting the 10-year Treasury yield trough value, the Board could consider the overall level of cyclical systemic risk, and the current level of the 10-year Treasury yield as a benchmark measure of overall economic and financing conditions. As discussed in earlier Section IX.F of this Supplementary Information, the Board expects to calibrate the increment in the 10-year yield in consideration of observable cyclical systemic risk. The Board would also consider how declines in Treasury yields, which decrease net income but increase the market value of firms' long-term securities holdings, interact with the current vulnerabilities in the banking sector. In general, a decline in long-term interest rates may have a positive or negative effect on the severity of the scenario for a given firm depending on the firm's exposure to interest rate risk, which may vary from year to year depending on the firm's portfolio. In reaching its determination to set this guide in an annual scenario, the Board will consider how the choice would promote stress test credibility and the resilience of the financial system to even worse outcomes.

If the Board observes that cyclical systemic risks were increasing in a period of sustained robust expansion, the Board might choose a scenario that is more intense than normal. The choice would also depend on firms' exposure

to interest rate risk. Conversely, the Board could specify a scenario that is less intense than normal in an environment where systemic risks appeared subdued, such as in the early stages of a recovery, provided that doing so remained consistent with the goal of ensuring that firms were properly capitalized to withstand severe economic and financial conditions. A less severe scenario could also be appropriate when underlying market uncertainty and financial stress start to recede and higher-than-usual credit losses were either already realized—or are in the process of being realized—and thus removed from firms' balance sheets. The choice would consider that the scenario does not add unduly to remaining stress, thereby exacerbating the initial adverse shock, and it would be particularly appropriate if the Board judges that firms are already taking steps to reduce their risk—for instance, by potentially restricting lending to otherwise qualified borrowers.²⁰⁶

Alternative Trough Guide Option

As an alternative, the Board considered a guide in which the 10-year Treasury yield would decline by 2.0 percentage points regardless of the jump-off conditions. The lower bound would still bind. The decline of 2.0 percentage points is chosen based on the same observations shown in Table 18. In particular, 2.0 percentage points is close to the average decline in the 10-year Treasury yield observed during the financial stress episodes (1.9 percentage points) and the average decline in previous severely adverse scenarios (1.7 percentage points). The choice of a single value in the middle of the range proposed in the more flexible version of this guide balances the offsetting effects of interest rates on net interest margin and fair value of securities.

The Board considered this alternative because of its goal of increasing transparency and predictability of the stress test, while maintaining sufficient severity. The Board recognizes that this alternative guide would not avoid adding sources of procyclicality as effectively as the proposed guide. In particular, it would reduce the Board's flexibility during periods of moderate or high interest rates to test the resilience of firms' net income to a sharper decline in interest rates. However, as noted above, declines in yields have offsetting

effects on firms' regulatory capital in the stress test because they decrease net income but increase the market value of their long-term securities holdings. Thus, a more flexible guide would allow the Board to balance its assessment of these two vulnerabilities in the stress test scenario.

While the alternative troughs fall within the range determined by the proposed guide, these trough levels can be significantly higher or lower than the values chosen by the Board in prior severely adverse scenarios. These deviations could impair the ability of the Board to ensure the stress test severity that fully considers the risks that are apparent in relevant indicators of economic and financial conditions, particularly those related to inflation and inflation expectations, when determining the trough value. The Board views the alternative guide as reasonable. Compared to the proposed guide, the alternative guide would provide firms and the public with increased predictability regarding the trough value to be set for 10-year Treasury yields. However, this increased predictability under the alternative guide comes at the expense of the added flexibility inherent in the proposed guide to set the trough based on risks that are apparent in relevant indicators of economic and financial conditions and to avoid adding sources of procyclicality in the proposed guide. The purpose of the alternative guide discussion is to invite comment on a reasonable alternative considered by the Board and to transparently lay out the Board's present arguments for choosing the proposed guide.

b. Additional Guide Parameters and Rationale Behind Them

Trough Value Timing

In general, the entire 13-quarter trajectory of stress test variables is important as it ultimately affects implied firm losses. The value of the trough and its timing signify the magnitude and timing of the most severe point in this trajectory. The proposed guide suggests that the 10-year Treasury yield would reach the trough in quarters 1 to 4 of the scenario. This timing is chosen such that the trough is consistent with the scenario narrative: the severely adverse scenario is triggered by a sizeable financial shock combined with a pronounced increase in unemployment and decrease in inflation. In response to these developments, both short- and long-term interest rates typically would fall sharply. The timing of the trough is also broadly consistent with the historical

²⁰⁶ Evidence of market uncertainty and financial stress receding could include strong stock market performance or positive economic news related to GDP, inflation, unemployment, or nonfarm payroll. Evidence that credit losses are being realized could include elevated charge-offs on loans and leases or loan-loss provisions in excess of gross charge-offs.

data (Table 18). Averaging across the four financial stress episodes, the trough is placed in the sixth quarter, but the trough occurred earlier during the two most recent recessions.²⁰⁷ The 10-year yield reached its trough in quarter 3 during the 2007–2009 financial crisis and in quarter 4 during the COVID–19 pandemic. In the past stress test scenarios, the trough was reached in quarter 1, on average. In setting this part of the guide in an annual scenario, the Board will consider the same indicators and other factors described above for the choice of the trough in the 10-year rate, so as best to promote stress test credibility and the resilience of the financial system to even worse outcomes.

Trajectory to Trough Value

The proposed guide stipulates that the largest share of the decline in the 10-year Treasury yield would be realized in quarter 1. A rapid, frontloaded decline of the 10-year yield to its trough would be consistent with the scenario narrative and the implied dynamics of the other variables, mainly a large rise in unemployment and resulting declines in inflation and output. In response to these developments, both short- and long-term interest rates would fall sharply, consistent with the Board's macroeconomic model for stress testing, because the expectational component of the 10-year Treasury yield accounts for the future expected realizations of the macro variables that determine the policy rate rule.²⁰⁸

To determine the specific path of the 10-year Treasury yield for a given trough timing, the Board considered a simple formula that can map the trough value timing to a share of decline in quarter 1. To do so, the Board considered lower and upper bound of trough timing described in the previous section. If the trough timing is quarter 1 (*e.g.*, lower bound of the range), then the formula should yield 100 percent of the decline occurring in the first quarter. For trough timing of quarter 4, the Board took example of COVID–19 pandemic. During the COVID–19 pandemic, the 10-year yield reached its trough in quarter 4, and 52 percent of the decline in the 10-year yield was realized during the first quarter. Using these reference points, the Board concluded that the

following simple formula could set the approximate share of the decline realized in quarter 1 as:

$$100\% - 15\% * (\text{Trough value timing} - 1).$$

This simple formula stipulates that when the scenario trough is realized in Quarter 4, about 55 percent of the decline would be realized in Quarter 1: $100\% - 15\% * (4 - 1) = 55\%$.

This is broadly in line—if not exactly in line—with the data from the COVID–19 pandemic. The guide also stipulates that, after the initial decline realized in quarter 1, the yield declines to its trough at smoothly decreasing percent reductions.

BBB Yield

The stress test scenarios set out the trajectory of the BBB corporate spread, measured by the quarterly average of ICE BofA U.S. Corporate 7–10 Year Yield-to-Maturity Index relative to the 10-year Treasury yield.²⁰⁹ The BBB corporate spread represents the performance of corporate debt rated as investment grade by a major ratings agency.

Although firms subject to the supervisory stress test do not hold substantial volumes of BBB corporate bonds on their balance sheets, they make business loans to large- and middle-market firms and hold other types of business debt on their balance sheets, *e.g.*, commercial and industrial (C&I) loans and collateralized loan obligations (CLOs). Corporate bond spreads and CLO spreads tend to move together in times of financial stress and high uncertainty. C&I loans to large- and middle-market firms, some of whom are also issuers of corporate bonds, account for 65 percent of total C&I loans. Because of these similarities with bond-issuing firms, changes in business conditions that underlie changes in spreads on BBB corporate bonds would affect these borrowers as well (and hence the balance sheets of the stress tested firms). In fact, empirical research finds that bank borrowers are more sensitive to macroeconomic and financial shocks than publicly-traded borrowers due to their relatively more-restricted access to funding resources. Hence, in the context of the severely adverse scenario, the Board views BBB corporate bond spreads as a measure

representing conditions in the business sector more generally.

Instead of a higher frequency, such as daily, for which the underlying data is available, the Board uses a quarterly average of the BBB spreads in the stress test scenario for several reasons. First, BBB bonds face liquidity issues and their prices can be quite volatile at higher frequencies for reasons unrelated to underlying business conditions.²¹⁰ Using quarterly averages strikes a balance between being sensitive enough to capture market trends and stable enough to avoid overreaction to high-frequency volatility. Relatedly, as noted above, in the context of stress testing, the BBB spreads provide a good representation of business borrowing and underlying economic confidence. Therefore, removing short-term noise from this measure via quarterly averaging results in a more reasonable representation of underlying business borrowing conditions.

In determining the appropriate level of scenario severity, the Board adheres to scenario design principles discussed in the earlier Section IX.F of this Supplementary Information. While doing so, the Board also strives to avoid introducing additional sources of procyclicality into the financial system. In the context of the BBB spreads, these principles are applied in calibrating three key aspects of the guide: the peak value, the timing of the peak value, and the trajectory to peak. This approach helps ensure that the BBB spread guide aligns with the established stress testing literature while mitigating potential systemic risks for the financial system.

The rest of this section is organized as follows. First, an overview of the BBB spread guide components is given in Table 19, which is followed by the description of the component of the guide that determines the peak of the spread. The next subsection provides the data- and scenario-based rationale for the calibration of the peak component. Next is a discussion of an alternative calibration for the peak component, comparing the implementation and caveats to the proposed guide option. Finally, additional guide parameters (peak value timing and trajectory to the peak) and the rationale for their calibration are discussed.

²⁰⁷ These four episodes include 1990Q3–1991Q1, 2001Q1–2001Q4, 2008Q3–2009Q2 (Lehman Brothers bankruptcy as a forcing event), and 2019Q4–2020Q2 recessions.

²⁰⁸ See *supra* note 196.

²⁰⁹ The source for the BBB corporate spread series is ICE BofAML U.S. Corporate 7–10 Year Yield-to-Maturity Index, ICE Data Indices, LLC, (C4A4

series). The 10-year yield is computed as the quarterly average of the yield on 10-year U.S. Treasury notes, constructed by Federal Reserve staff based on the Svensson smoothed term structure model. See Svensson (1995), *supra* note 184.

²¹⁰ There is empirical support for excessive volatility in corporate bonds and find that it has little relation to firm fundamentals. J. Bao, & J. Pan, *Bond Illiquidity and Excess Volatility*, 26 Review of

Financial Studies 3068–3103 (2013). In a working version of the paper, the authors stress that such excessive volatility is pervasive at higher frequencies, being the strongest at daily and weekly horizons and staying significant at monthly horizons. J. Bao & J. Pan, *Excess Volatility of Corporate Bonds* (2008), https://haas.berkeley.edu/wp-content/uploads/bond_vol.pdf.

Table 19: Summary of BBB Spread Guide

Component	Proposed Guide
Peak value	The spread will increase to between 500 basis points and 600 basis points or by at least 100 basis points, whichever results in a higher peak level.
Peak value timing	3 to 4 quarter after jump-off.
Trajectory to peak value	Highest share of increase realized in Quarters 1 and 2, between 60 to 80 percent of the increase in Quarter 1, smooth trajectory to peak thereafter.

a. Peak Value Component of the Guide

The BBB corporate bond yield is expected to move such that its spread relative to the 10-year Treasury yield would either increase from its initial level by 100 basis points or to a level ranging between 500 and 600 basis points, whichever results in a higher level.

Data- and Scenario-Based Rationale for the Peak Value

In line with the guiding principles emphasized by the stress testing literature and discussed in Section IX.F of this Supplementary Information, the Board references the behavior of the BBB spreads during financial stress episodes, including the 2007–2009 financial crisis, to calibrate the guide for BBB spreads in the supervisory stress test scenarios. The higher end of the range for the peak level (*i.e.*, 600 basis points) corresponds to the quarterly-average peak value observed during the 2007–2009 financial crisis (Table 19). Additionally, weekly averages of the BBB spread peaked at 688 basis points over the same period.²¹¹ The lower end of the range for the peak level (500 basis

points) is motivated by the data as well. A level of 500 basis points also constitutes a severe BBB spread value from a statistical point of view.²¹² At daily frequency, the BBB spread reached values of around 500 basis points several times during the 2007–2009 financial crisis and during the COVID–19 pandemic the BBB spread reached about 450 basis points.²¹³

These examples illustrate that the value of 500 basis points represents a severe point in the historical distribution of the BBB spread observed during crisis events, which could be followed by further worsening of conditions. Even if peaks of 500 to 600 basis points have been rather short-lived, they could potentially trigger events that would cause inadequately capitalized firms to fire-sale their assets—a risk the Board seeks to reduce through the use of stress testing. Moreover, setting a floor for the BBB spread at 500 basis points recognizes that, not only are cyclical systemic risks likely to build up at financial intermediaries during robust expansions, but that these risks are also easily obscured by a buoyant environment.

To ensure sufficient severity in the event that the BBB spread at the start of a stress test cycle is around or higher than the peak levels attained in the history (*e.g.*, above 500 basis points), the Board contemplates a minimum increment of 100 basis points, in line with the principle that adequate severity requires a guide to be able to go somewhat beyond historical experiences when initial conditions warrant.²¹⁴ The minimum increment of 100 basis points ensures adequate scenario severity, maintaining the credibility of the stress test while at the same time constraining the peak from becoming unduly contractionary and deviating too far from historically observed levels.²¹⁵ Applying a larger value of a minimum increment (*e.g.*, 200 basis points) could result in a peak level that is unjustifiably distant from historical peaks and might not allow the Board to reflect near-term changes, such as emerging signs of financial stabilization, resulting in inappropriately high scenario severity at a time when the economy and financial markets are already stressed.

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²¹¹ Weekly average calculated using ICE BofA U.S. Corporate 7–10 Year Yield-to-Maturity Index (ICE Data Indices, LLC) and the yield on 10-year U.S. Treasury notes, constructed by Federal Reserve staff based on the Svensson smoothed term structure model. See Svensson (1995), *supra* note.

²¹² For instance, in the weekly data from December 1988 through February 2025, 500 basis points and 600 basis points represent the top (*i.e.*,

the riskiest) percentiles of the BBB spread historical distribution: 98.5 and the 99.3, respectively.

²¹³ The daily frequency BBB spread peak during the COVID–19 pandemic measured about 450 basis points, before declining after unprecedented government support programs were announced in March of 2020. Stress tests are designed to assess firms in the absence of such government support. During the 2007–2009 financial crisis, the weeks in

which spreads exceeded 500 basis points preceded the weeks with even higher BBB spread values.

²¹⁴ See Schuermann (2014), *supra* note 99.

²¹⁵ If a future financial distress event causes the BBB spread to rise beyond the current peak of about 600 basis points, the Board may consider an update of the peak range to reflect that new empirical evidence in subsequent future tests.

Table 20: Summary Statistics for BBB Corporate Yield less 10-year Treasury Yield

	Financial stress episodes ⁽¹⁾	2007–2009 financial crisis ⁽²⁾	Past scenarios ⁽³⁾
Peak value ⁽⁴⁾ (basis points)	342	595	551
Jump-off value ⁽⁵⁾ to peak change (basis points)	184	431	372
Peak timing (quarters) ⁽⁶⁾	4	2	3

Notes: (1) The Financial stress episodes column includes averages across the following recessions and stress episodes (based on data availability): 1990Q3–1991Q1, 2001Q1–2001Q4, 2008Q3–2009Q2, 2019Q4–2020Q2; (2) For timing purposes, the stress episode of the 2007–2009 Financial Crisis recession is considered to start in 2008Q3, based on the timing of the Lehman Brothers bankruptcy; (3) The past scenarios column includes averages across binding scenarios from 2014–2025; (4) Peak value corresponds to the maximum spread achieved during or in the four quarters after a financial stress episode; (5) Jump-off corresponds to the minimum value of the variable in the four quarters before, and the first quarter of the financial stress period; (6) Peak timing corresponds to the quarter the maximum (the peak) value is achieved.²¹⁶

To illustrate how the Board would use this guide to formulate the scenarios, and how the implied peak levels of the guides compare to the past stress test scenarios, consider the jump-off values in 2014–2025 cycles, the period during which the Board has been conducting stress tests (Figure 6). The past stress test scenario peaks are depicted as dots in the figure, whereas the proposed guide is indicated as a range by the solid lines. This period contains both stressful times (the COVID–19 pandemic) as well as the slow recovery after 2009 and some periods of very low unemployment and robust growth. It is

therefore quite representative in capturing a variety of jump-off values. In this time frame, the quarterly average of the BBB spread (depicted as a dashed line) has been between about 100 and 265 basis points at the jump-off quarter, while the average of those quarterly jump-off values was about 170 basis points. Going to 500 or 600 basis points from such jump-off values represented a substantial increase in the spread, possibly more than 400 basis points. This is a plausible increase when markets become strained or bad economic news pervades. For instance, during the 2007–2009 financial crisis,

the difference between the average BBB spread during 2007Q3 and the BBB spread at the peak that episode (2008Q4) amounted to 431 basis points (Table 20).

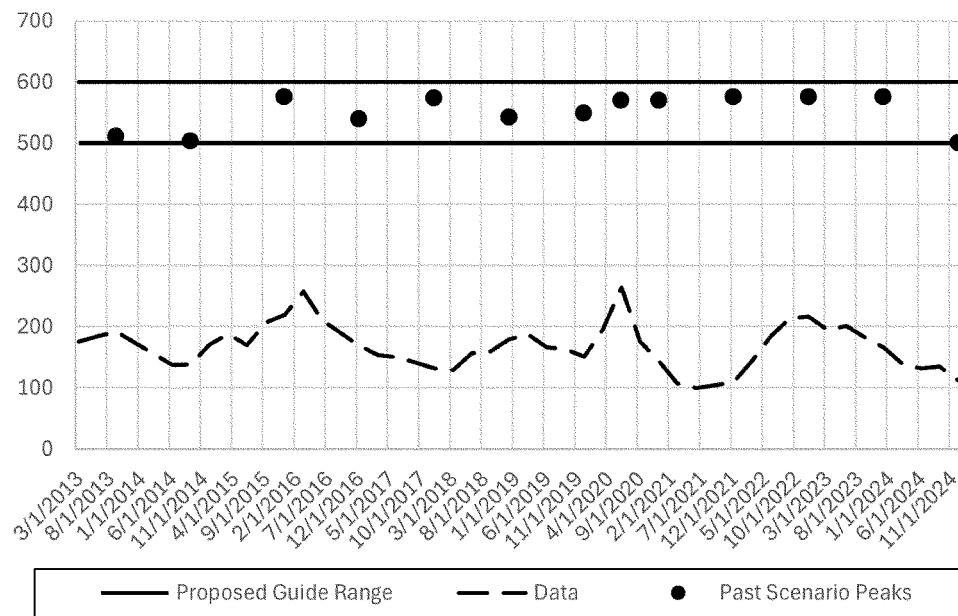
Figure 6 also illustrates that the peak range of 500 to 600 basis points implied by the proposed guide brackets the peak values of the BBB spread used in the past stress test scenarios (the dots are located within or on the borders outlined by the solid lines throughout the time span of the figure). In other words, the proposed guide is consistent with the Board's past stress test practices in determining the peak.

²¹⁶ Federal Reserve staff calculated BBB spread using the U.S. BBB corporate yield, computed using the quarterly average of ICE BofAML U.S. Corporate

7–10 Year Yield-to-Maturity Index (ICE Data Indices, LLC, C4A4 series), and the quarterly average of the yield on 10-year U.S. Treasury notes,

constructed by Federal Reserve staff based on the Svensson smoothed term structure model. See Svensson (1995), *supra* note 184.

Figure 6: Implied Range of BBB Corporate Yields less 10-year Treasury Yield, Peak Values of Past Scenarios, and Historical Data on BBB corporate yields less 10-year Treasury Yield (in basis points)²¹⁷



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In its formulation of the annual scenarios, the Board could consider the overall level of cyclical systemic risk, or the current level of the BBB spreads as a contemporaneous indicator of uncertainty and financial stress. As discussed in Section IX.F of this Supplementary Information, the Board expects to calibrate the increment in the BBB spreads based on its views of the status of cyclical systemic risk. Specifically, the Board would be more likely to set the BBB spreads peak value at the higher end of the range if the Board expects that cyclical systemic risks are high (as it would be after a sustained long expansion), and alternatively would be more likely to set the peak value to the lower end of the range if cyclical systemic risks are low (as it would be in the earlier stages of a recovery), provided doing so remained consistent with the goal of ensuring that firms were properly capitalized to withstand severe economic and financial conditions. This might result in a scenario that is more severe than normal if the Board expects that cyclical systemic risks were increasing in a period of sustained robust expansion.

Conversely, it would also allow the Board to specify a scenario that is less severe than normal in an environment where systemic risks appeared subdued, such as in the early stages of a recovery. The lower end of the increase range could also be appropriate when underlying market uncertainty and financial stress start to recede and higher-than-usual credit losses stemming from previous elevated levels of the BBB spreads were either already realized—or are in the process of being realized—and thus removed from firms' balance sheets. This choice would consider that the scenario does not add unduly to remaining stress, thereby exacerbating the initial adverse shock, and it would be particularly appropriate if the Board judges that firms are already taking steps to reduce their risk; for instance, by potentially restricting lending to otherwise qualified borrowers.²¹⁸

Alternative Peak Guide Option

As an alternative, the Board also considered a guide that would choose a peak level as a maximum between 600 basis points and an increase from the

jump-off value by 100 basis points. The justification for considering this peak calibration is as follows. Unlike the proposed guide, the alternative allows for less discretion and therefore would provide more certainty to firms and to market participants about the severity of the stress test each year. However, the Board considered the importance of ensuring that the chosen calibration would be sufficiently severe, because, as noted above, insufficiently severe stress tests can undermine the credibility of the results. Therefore, to attain adequate scenario severity for this option, the Board considered the peak calibration level of 600 basis points—the value corresponding to the BBB spread peak observed during the 2007–2009 financial crisis and the upper bound of the range considered for the proposed guide. This alternative guide could be less desirable as it is less flexible and may end up being too severe, especially during economic downturns, when the proposed guide would offer the flexibility to choose a lower peak from the range that could avoid adding sources of procyclicality in the results.

Consider the application of the alternative guide in 2013–2024 against the peaks of past scenarios and the proposed guide. Given the initial conditions in this time period, the alternative guide would prescribe the 600 basis points for the peak value in all quarters of the considered time span. Compared with the past stress tests,

²¹⁷ Calculated using data from ICE Data Indices, LLC; the quarterly average of the yield on 10-year U.S. Treasury notes, constructed by Federal Reserve staff based on the Svensson smoothed term structure model; and Federal Reserve staff estimates. See Svensson (1995), *supra* note.

²¹⁸ Evidence of market uncertainty and financial stress receding could include decreased defaults in public bond markets, strong stock market performance or positive economic news related to GDP, unemployment or nonfarm payroll. Evidence that credit losses are being realized could include elevated charge-offs on loans and leases or loan-loss provisions in excess of gross charge-offs.

such prescriptions are often more severe, resulting in the peaks that can be as much as 100 basis points higher than those of the past stress tests.

Although the proposed and the alternative guides are both discussed, and the Board views the alternative guide as reasonable, it was judged to be inferior to the proposed guide as discussed in this section. The purpose of the alternative guide discussion is to invite comment on a reasonable alternative considered by the Board and to transparently lay out the Board's present arguments for choosing the proposed guide.

b. Additional Guide Parameters and Rationale Behind Them

Peak Value Timing

In general, the entire 13-quarter trajectory of stress test variables is important as it ultimately affects implied firm losses. The value of the peak and its timing signify the magnitude and timing of the most severe point in this trajectory. The guide stipulates that the peak level in the scenario would be reached in quarter 3 or quarter 4, which is consistent with historical observations. In post-war recessions, the BBB spread reached its peak in quarter 4 (on average), whereas the 2007–2009 financial crisis yields a peak in quarter 2 (see Table 20). The empirical literature that studies responses of corporate spreads to shocks (e.g., unexpected increases in uncertainty or financial riskiness) often documents a delayed peak. For instance, the response of the corporate spread to an uncertainty shock can peak after month 6 (into quarter 3) in the U.S. data.²¹⁹ In the past stress test scenarios, the peak was also reached in quarter 4, on average.

The Board expects that the timing of the start of the stress period should sometimes differ from the start date of the recession determined by the NBER. For potentially fast-moving variables (such as BBB spread, equity prices or VIX), the Board times the onset of the stress period during the 2007–2009 Financial Crisis based on the Lehman Brothers bankruptcy on September 15, 2008. This event is widely considered to be the most significant of the events that roiled financial markets during the 2007–2009 Financial Crisis.²²⁰ As stress

test data operate at quarterly frequency, the Board's timing of this event for purposes of dating the peak of the BBB corporate spread is in 2008Q3. Indeed, the BBB corporate spread remained largely flat between 2008Q1 and 2008Q2, rising somewhat in 2008Q3 (because the Lehman Brothers bankruptcy occurred close to the end of the quarter, it had little effect on the quarterly average) before increasing sharply to the observed maximum in 2008Q4.²²¹ Therefore, the focus on the Lehman Bankruptcy as the triggering event is more consistent with the stress test scenario narrative in which a financial shock sets the stress test scenario dynamics in motion than the NBER recession date.

Trajectory to Peak Value

To reach the peak spread value, the guide prescribes that the highest share of the spread increase (about 60 to 80 percent) occurs in the first quarter of the scenario. Such frontloading of the spread increase is consistent with the historical evidence and academic literature.²²² For instance, in the 2007–2009 financial crisis, the largest increase in the spread (about 67 percent of the jump-off. A very similar result emerges when considering the Enron/Dotcom stress episode and 1990 bond market stress episode.²²³ On average (across all three bond market stress episodes), about 66 percent of the increase to the

²²¹ Demonstrated by the calculation of the BBB spread over time using the U.S. BBB corporate yield, computed using the quarterly average of ICE BofAML U.S. Corporate 7–10 Year Yield-to-Maturity Index (ICE Data Indices, LLC, C4A4 series), and the quarterly average of the yield on 10-year U.S. Treasury notes, constructed by Federal Reserve staff based on the Svensson smoothed term structure model. See Svensson (1995), *supra* note 184.

²²² In the academic literature, spreads are well-known to be contemporaneous indicators that move the most at the onset of a stress event or crisis. For instance, Krishnamurthy (2025) documents rapid changes in spreads at the onset of financial crises, whereas Bernanke (2005) classifies spreads and stock market prices as “fast-moving” variables that respond to shocks on impact. A. Krishnamurthy & T. Muir, *How Credit Cycles across a Financial Crisis*, 80 J. of Fin. 1339–78 (2025) (“Krishnamurthy (2025)”); B. Bernanke et al., *Measuring the Effects of Monetary Policy: A Factor-Augmented Vector Autoregressive (FAVAR) Approach*, 120 Q.J. of Econ. 387–422 (2005). Caldara (2016), *supra* note 182, provides empirical evidence of such behavior of spreads in response to financial shocks and uncertainty shocks.

²²³ For a more detailed discussion of the Enron/Dotcom episode, see D. Romer, *Preventing the Next Catastrophe: Where Do We Stand?* (Conference paper). Rethinking Macro Policy II: First Steps and Early Lessons Conference (2013); M. Bordo & J. Haubrich, *Deep Recessions, Fast Recoveries, and Financial Crises: Evidence from the American Record*, 55 Econ. Inquiry 527–41 (2017). The 1990 bond market stress episode is discussed, for example, in M. Wolfson, *Financial Crises: Understanding the Postwar U.S. Experience* (1994).

peak in the spread was realized in a single quarter after the onset of the stress episode. After quarter one and until the peak is reached, the guide stipulates a smooth trajectory with half of the remaining adjustment made in quarter two and with the rest of the adjustment made either in quarter three (when the peak occurs in quarter three) or equally distributed between quarter three and four (when the peak occurs in quarter four). As an example, if the increase share in the first quarter was around 60 percent, then the adjustment in quarter two would be about 20 percent with the remaining 20 percent in quarter three (if the peak is in quarter three) or with the remaining distributed approximately 10 percent each in quarter three and four (if the peak is in quarter four). This simple adjustment rule mimics a hump-shaped response of the corporate spread to shocks, a feature well-documented in the empirical literature.²²⁴

Mortgage Rate

The stress test scenarios sets out trajectories for several variables, including the mortgage spread as proxied by the quarterly average of weekly series for the interest rate of a conventional, conforming, 30-year fixed-rate mortgage, obtained from the Freddie Mac Primary Mortgage Market Survey relative to the 10-year Treasury yield.²²⁵ For purposes of this guide, mortgage spread refers to the difference, in basis points, between mortgage and Treasury rates defined above.

In the supervisory stress test, the mortgage spread can act as both (i) an indicator of stress for certain important assets under the scenarios and (ii) a source of stress for firms subject to the supervisory stress test with substantial exposure to assets that are tied to mortgage spreads, such as mortgage loan portfolio or mortgage-backed securities, which are reported by firms on FR Y–14M, Schedule A (First Lien) and FR Y–14Q, Schedule B (Securities). Firms subject to the supervisory stress test typically have substantial exposure to the assets referenced in the mortgage spread, and as a result, by incorporating the mortgage spread into scenarios, stress tests help ensure that firms are prepared for a wide range of market conditions, including periods of

²¹⁹ See Caldara (2016), *supra* note . The delayed peak feature is particularly prominent for the Jurado et al. (2015) measure of uncertainty—a widely accepted measure in this literature. K. Jurado et al., *Measuring Uncertainty*, 105 Am. Econ. Rev. 1177–1216 (2015).

²²⁰ See, e.g., R. Wiggins et al., *The Lehman Brothers Bankruptcy A: Overview*, 1 Journal of Financial Crises 39–62 (2019).

²²⁴ Some of the recent examples include D. Caldara & E. Herbst, *Monetary Policy, Real Activity, and Credit Spreads*, 11 Am. Econ. J. 157–92 (2019) and Caldara (2016), *supra* note 182.

²²⁵ The 10-year Treasury yield is calculated using the quarterly average of the yield on 10-year Treasury notes by the Federal Reserve Board based on the Svensson smoothed term structure model. See Svensson (1995), *supra* note 184.

elevated mortgage spreads, in part reflecting financial shocks and any associated economic downturn. This helps maintain the overall stability and resilience of the financial system.

The Board uses a quarterly average of the mortgage rate spread in the stress test scenarios. Quarterly averages smooth out excessive (and potentially irrelevant) volatility that is present at weekly or monthly frequencies. Using quarterly averages strikes a balance between being sensitive enough to capture market trends and stable enough to avoid overreaction to market volatility that is not representative of underlying trends in housing markets or the broader economy.

In determining the appropriate level of scenario severity, the Board adheres to scenario design principles discussed in Section IX.F of this Supplementary Information. While doing so, the Board also strives to avoid introducing additional sources of procyclicality into the financial system. In the context of the mortgage spread, these principles are applied in calibrating three key aspects of the guide: the trough value, the timing of the trough value, and the trajectory to trough. This approach helps ensure that the mortgage spread guide aligns with the established stress testing literature while mitigating potential systemic risks for the financial system.

The rest of this section is organized as follows. First, Table 21 provides an overview of the mortgage rate guide components, which is followed by a description of the peak component for the guide. The next subsection provides the data- and scenario-based rationale for the calibration of the peak component. A discussion of an alternative peak option follows in the next section, comparing the implementation and caveats to the proposed guide option. Finally, additional guide parameters (trough value timing and trajectory to the peak) and the rationale for their calibration are discussed.

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Table 21: Summary of Mortgage Rate Guide

Component	Proposed Guide
Peak value	Increase to a range of peak values given by the jump-off value plus 70 to 160 basis points, with a minimum of 300 basis points
Peak value timing	Quarters 3 or 4
Trajectory to peak value	50 to 70 percent of increase realized in quarter 1, smooth trajectory to peak thereafter

Note: The guide describes values of the mortgage rate relative to the 10-year Treasury yield.

a. Peak Value Component of the Guide

The mortgage rate is expected to move such that its spread relative to the 10-year Treasury yield would increase from its jump-off level (*i.e.*, the value of the variable in the quarter before the start of the scenario) to a range determined by that level plus 70 basis points to 160 basis points, with a lower bound of 300 basis points.

Data- and Scenario-Based Rationale for the Peak Value

In line with the guiding principles emphasized by the stress testing literature and discussed in Section IX.F of this Supplementary Information, the Board uses the behavior of the mortgage spreads during financial stress episodes, including the 2007–2009 financial crisis, to calibrate the guide for the mortgage spread in the supervisory stress test scenarios. In particular, the Board considers the behavior of the

mortgage spread in three severe recessions, including the 2007–2009 financial crisis, to calibrate the guide for mortgage spreads in the supervisory stress test scenarios. In particular, the calibration of the lower bound of 300 basis points in the guide is based on evidence from historical stress episodes along with the principle of conservatism. The average peak value for the mortgage spread observed in severe recessions has been 278 basis points (Table 22), ranging from 225 to 380 basis points.²²⁶ In the 2007–2009 financial crisis, the peak mortgage spread measured about 249 basis points

²²⁶ A similar average peak value of 260 points is obtained from averaging across episodes of housing market stress, which include the 1973 recession along with the previously defined housing recessions (1980Q2–1985Q2, 1989Q4–1997Q1, 2005Q4–2012Q1). See 12 CFR 252, Appendix A.

at a weekly frequency.²²⁷ The calibration of the lower bound of 300 basis points—a value that is slightly above the historical average during severe recessions—speaks to the guiding principle that adequate severity should be somewhat beyond historical experiences. In addition, setting a floor for the mortgage spreads at 300 basis points recognizes the fact that, not only do cyclical systemic risks build up at financial intermediaries during robust expansions, but that these risks are also easily obscured by a buoyant environment.

²²⁷ The spread measure at weekly frequency is obtained as an average over daily values starting from Thursday of the previous week and ending on Wednesday of the next week. Accordingly, the value of approximately 249 basis points was reached in the calendar week ending on December 21, 2008. A close value of 248 basis points was reached in the calendar week ending on August 31, 2008.

Table 22: Summary Statistics for Mortgage Rate less 10-year Treasury Yield (basis points)

	Financial stress episodes ⁽¹⁾	Severe recessions ⁽²⁾	Past scenarios ⁽³⁾
Peak value ⁽⁴⁾	259	278	334
Jump-off ⁽⁵⁾ to peak change	111	130	168
Peak timing (quarters) ⁽⁶⁾	4	3	3

Notes: (1) The Financial stress episodes column includes averages across the following recessions and stress episodes (based on data availability): 1973Q4–1975Q1, 1980Q1–1980Q3, 1981Q3–1982Q4, 1990Q3–1991Q1, 2001Q1–2001Q4, 2008Q3–2009Q2 (Lehman Brothers bankruptcy as a forcing event), 2019Q4–2020Q2; (2) The Severe recessions include averages across the following NBER recessions and stress episodes: 1973Q4–1975Q1, 1981Q3–1982Q4, 2008Q3–2009Q2 (Lehman Brothers bankruptcy as a forcing event); (3) The past scenarios column includes averages across severely adverse scenarios from 2014–2025; (4) Peak value corresponds to the maximum spread achieved during or in the four quarters after a financial stress episode; (5) Jump-off corresponds to the minimum value of the variable in the four quarters before, and the first quarter of the financial stress period; (6) Peak timing corresponds to the quarter the maximum (the peak) value is achieved.²²⁸

The historical²²⁸ maximum value of the mortgage spread occurred in the 1980–1985 episode—in a high-inflation environment with high unemployment as well—and measured 404 basis points, based on quarterly averages of the spread. Weekly averages of the spread during this episode would result in a higher peak level of 541 basis points, which was reached in the calendar week

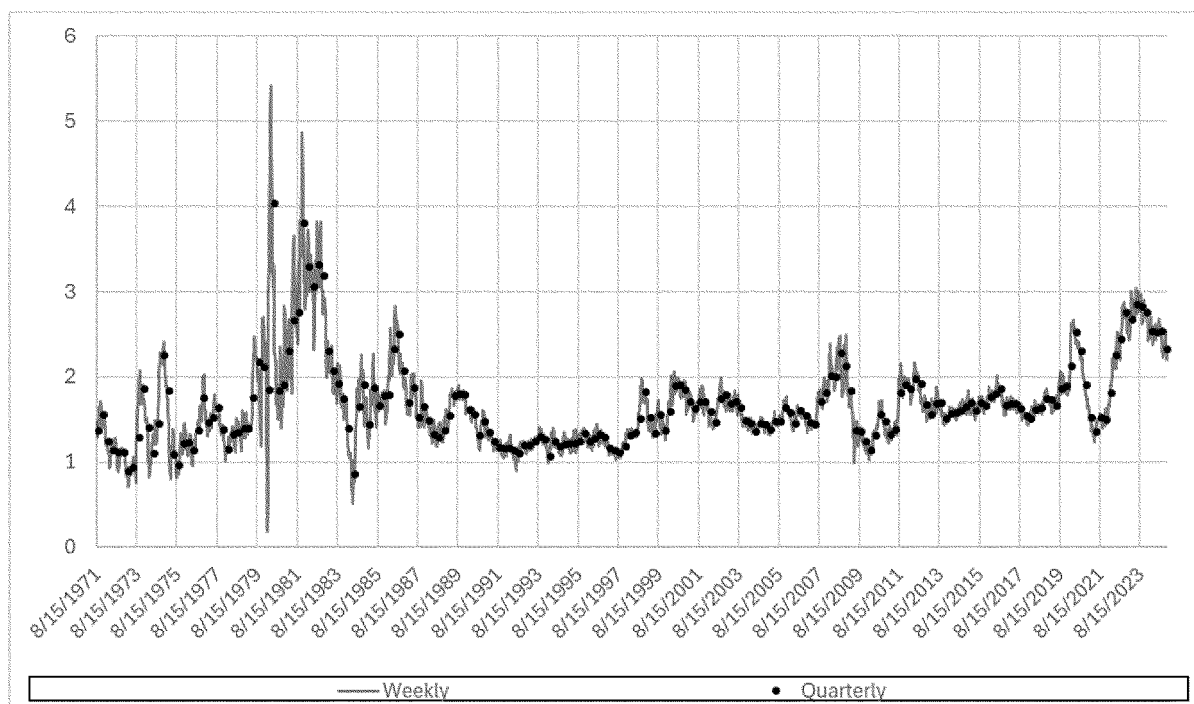
ending on April 20, 1980 (Figure 7). Between 2022 and 2024, inflation accelerated, and the mortgage spread rose above the 2007–2009 peak, reaching a quarterly-frequency maximum of 284 basis points in 2023 Q2 (304 basis points at a weekly frequency, in the calendar week ending on May 28, 2023) despite a strong economy and well-functioning mortgage

markets. Hence, guide calibration of the mortgage spread should account for conditions in the housing market, including interest rate volatility, and the phase of the business cycle as described above, as well as the level of inflation and inflation expectations at the jump-off quarter to elucidate their effect on firms' balance sheets.

²²⁸ Quarterly average of weekly series for the interest rate of a conventional, conforming, 30-year fixed-rate mortgage is obtained from the Primary Mortgage Market Survey of the Federal Home Loan

Mortgage Corporation. Quarterly average of the yield on 10-year Treasury notes is constructed by the Federal Reserve Board based on the Svensson smoothed term structure model. See Svensson

(1995), *supra* note 184. Data also derived from Federal Reserve staff calculations.

Figure 7: Mortgage Spread at Quarterly and Weekly Frequencies (in percentage points)²²⁹

In its formulation²²⁹ of the annual scenarios, the Board could consider the overall level of cyclical systemic risk, or the current level of the mortgage spreads as a contemporaneous indicator of uncertainty and financial stress. As discussed in Section IX.F of this Supplementary Information, the Board expects to calibrate the increment in the mortgage spreads based on its views of the status of cyclical systemic risk. Specifically, the Board would be more likely to set the mortgage spread peak value at the higher end of the range if the Board expects that cyclical systemic risks are high (as it would be after a sustained long expansion), and alternatively would be more likely to set the peak value to the lower end of the range if cyclical systemic risks are low (as it would be in the earlier stages of a recovery), provided doing so remained consistent with the goal of ensuring that firms were properly capitalized to withstand severe economic and financial conditions. This might result in a scenario that is more intense than

normal if the Board expects that cyclical systemic risks were increasing in a period of sustained robust expansion. Conversely, it would also allow the Board to specify a scenario that is less intense than normal in an environment where systemic risks appeared subdued, such as in the early stages of a recovery. The lower end of the range could also be appropriate when underlying market uncertainty and financial stress start to recede and higher-than-usual credit losses stemming from previously elevated levels of mortgage spreads were either already realized or are in the process of being realized, and thus removed from firms' balance sheets. This choice would consider that the scenario does not add unduly to remaining stress, thereby exacerbating the initial adverse shock, and it would be particularly appropriate if the Board judges that firms are already taking steps to reduce their risk—for instance, by potentially restricting lending to otherwise qualified borrowers.²³⁰

Consider the application of the range component of the guide (70 to 160 basis points from the jump-off value) illustrated in Figure 8 (solid lines) for 2014–2025 stress test cycles. This time period is illustrative as it contains various stages of the business and financial cycle (normalization after the 2007–2009 financial crisis, the COVID–19 pandemic and the normalization after it in a higher-inflation environment). Accordingly, the initial conditions in this period are quite representative. While the lower bound of the range (300 basis points) was explained above, the application of the upper part of the range results in values from 300 basis points to 440 basis points, with the higher values achieved in 2022–2024, a period of higher inflation. Per the discussion above, these values, while being severe, do not deviate too far from historically observed values. And consistently with historical experiences, these values also reflect the inflation environment.

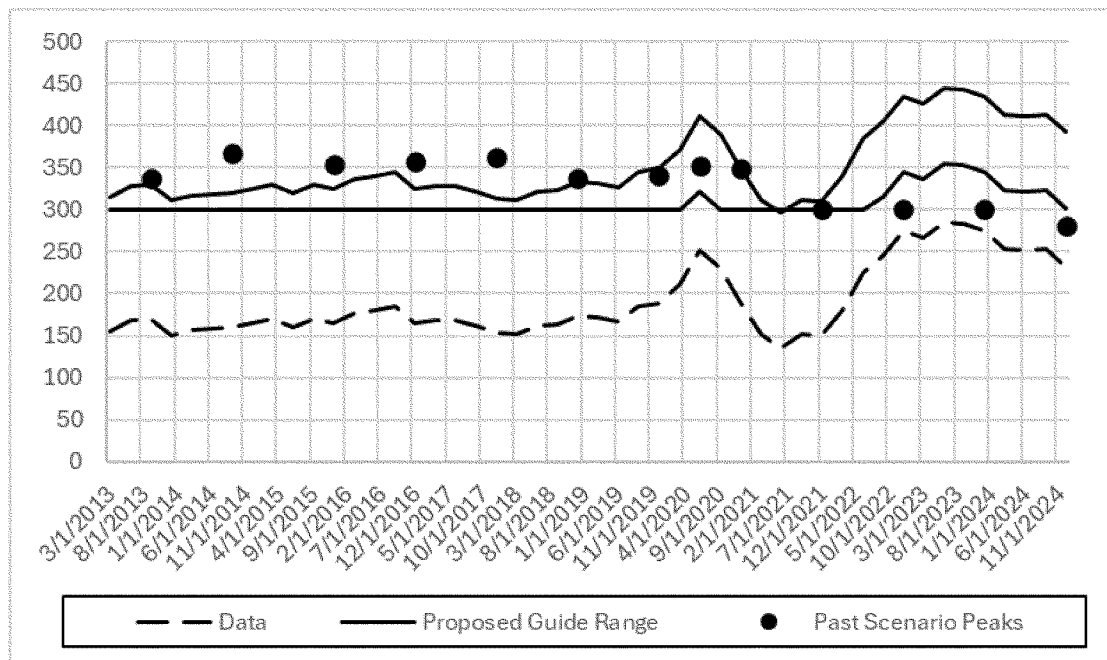
²²⁹ Data derived from Primary Mortgage Market Survey of the Federal Home Loan Mortgage Corporation, weekly and quarterly average of the yield on 10-year Treasury notes, constructed by Federal Reserve staff based on the Svensson smoothed term structure model. See Svensson

(1995), *supra* note 184. Data also derived from Federal Reserve staff estimates.

²³⁰ Evidence of market uncertainty and financial stress receding could include stronger lending growth, an easing of lending standards, strong stock

market performance or positive economic news related to GDP, unemployment, or nonfarm payroll. Evidence that credit losses are being realized could include elevated charge-offs on loans and leases or loan-loss provisions in excess of gross charge-offs.

Figure 8: Implied Range for Mortgage Spreads, Peak Values of Mortgage Spreads in Past Scenarios, Historical Data on Mortgage Spreads (in basis points)²³¹



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To illustrate²³¹ the implications of the guide, the Board applies it to recent historical data and compares the implied peak prescriptions with the corresponding peaks from past stress test scenarios (Figure 8). From 2013Q1 until 2019Q4, the stress test peak values, depicted by the dots, were quantitatively close to the upper end of the range of the proposed guide, depicted by the solid lines (Figure 8). From the onset of the COVID-19 pandemic in 2020 through 2021, the stress test peaks were mostly within the bands of the proposed guide, while in 2022–2024 the stress test peaks were located at or very close to the lower end of the range suggested by the proposed guide. Summing up, comparison of the guide-implied peaks with the past stress test peak values shows that the guide is broadly consistent with past scenario values. The range of the guide should allow the Board to account for risks that are apparent in relevant indicators of economic and financial conditions and constrain the peak to historically plausible bounds during normal periods, while adjusting to future periods in which spreads may move toward record levels.

Alternative Peak Guide Option

As an alternative, the Board also considered a guide that would choose a peak level as a maximum between 300 basis points and an increase from the jump-off value by 100 basis points. A comparison of the alternative and the proposed guides in 2013–2024 illustrates episodes when the alternative guide deviates from the proposed guide. As the alternative guide has a flat increment regardless of the underlying conditions, it would propose systematically lower peak values in the pre-pandemic period and systematically higher values in the post-pandemic period, when compared with the stress test peaks. Additionally, following this alternative guide would not allow the Board to respond to risks not already reflected in the current level of the mortgage spread.

Although the proposed and the alternative guides are both discussed, and the Board views the alternative guide as reasonable, the benefits to the public from increased predictability in the alternative guide are considered to be outweighed by the added flexibility to reflect risks related to mortgage finance that are apparent in relevant indicators of economic and financial conditions or to avoid adding additional sources of procyclicality in the proposed guide. The purpose of the alternative guide discussion is to invite comment on a reasonable alternative

considered by the Board and to transparently lay out the Board's present decision making in choosing the proposed guide.

b. Additional Guide Parameters and Rationale Behind Them

Peak Value Timing

In general, the entire 13-quarter trajectory of stress test variables is important as it ultimately affects implied firm losses. The value of the peak and its timing signify the magnitude and timing of the most severe point in this trajectory. The proposed guide stipulates that the peak level in the scenario would be reached in quarters 3 to 4, which is consistent with historical observations and past severely adverse scenarios (Table 22). The proposed guide sets a range of peak timings between 3 and 4 quarters, whereas the alternative guide eliminates this flexibility and stipulates a peak in quarter 3. Keeping the magnitude of the peak constant, a more delayed peak timing generally results in less severity of the overall path, as a less abrupt worsening in conditions and credit quality gives firms and mortgage borrowers more time to adjust to the shock. In contrast, an earlier peak timing would increase the scenario severity.

For the proposed guide, a range in the timing (quarter 3 or quarter 4) is used as an additional lever (together with the peak magnitude range) to avoid adding

²³¹ Data derived from Primary Mortgage Market Survey of the Federal Home Loan Mortgage Corporation and Federal Reserve staff estimates.

sources of procyclicality in the stress test. An earlier peak timing would increase the scenario severity. The factors that the Board would consider in setting the timing of the peak are the same as those discussed above influencing the level of the peak.

Trajectory to Peak Value

To reach the peak spread value, the guide prescribes that the highest share of the spread increase (50 to 70 percent) occurs in the first quarter of the scenario. After quarter one and until the peak is reached, the guide stipulates a smooth trajectory. Such frontloading of the spread increase is consistent with the historical evidence and academic literature.²³² Averaging across all financial stress episodes, the share of the mortgage spread increase that occurs in the first quarter after the onset of the stress is about 60 percent; in other words, 60 percent of the distance from the jump-off point to the peak is covered in the first quarter. This number is quantitatively similar to the past stress test scenarios in 2013–2025, where on average the corresponding share measures 64 percent. Averaging across severe historical episodes in the data yields a share of 73 percent. At the same time, there are severe episodes with a somewhat smaller increase in the share occurring in the first quarter. For instance, the severe episode surrounding the 1981 recession measured 47 percent of the mortgage spread increase in the first quarter. Hence, both the guide calibration (over 50 percent) as well as the average obtained across the mortgage spread paths in 2013–2025 stress test scenarios (64 percent) lie within historically plausible bounds.

International Variables

As described in the Scenario Design Policy Statement, a scenario that targets all specific risk factor groups includes judgement on the projected paths of selected international variables. Recessions that occur simultaneously across countries are an important source of stress to the balance sheets of firms with notable international exposures but are not a typical feature of the international economy even when the United States is in recession. As a

result, simply adopting the typical path of international variables in a severe U.S. recession would likely underestimate the risks stemming from the international economy. Consequently, an approach that relies on both judgement and insights from economic models informs the path of international variables. As part of the review of the scenario design framework, the Board has developed simple quantitative guides for the proposed paths of the international variables used in the severely adverse scenario of the supervisory stress test. Consistent with the Scenario Design Policy Statement, the international component of the stress test scenarios contains the path for real GDP, consumer price inflation, and the nominal exchange rate for four country blocs: the euro area, the U.K., Japan, and Developing Asia.²³³ These economies capture the majority of the foreign exposure of U.S. banks.

The following guides apply to each international variable:

- A *peak/trough value*, which represents the extreme value (either peak or trough, depending on the variable) that is typically reached in the severely adverse scenario. For all variables the peak/trough is reached after 4 quarters.
- An *end value* for the last period in the scenario, that is 13 quarters after initial impact.
- A *scenario path*, which describes the path of international variables from the jump-off value to the peak/trough value and then to the end value.
- A *scenario range*, which specifies by how much each variable can deviate from the scenario path to adapt to relevant changes in banking, macroeconomic, or other conditions.

a. Overview of Approach

In designing the paths of the international variables in the severely adverse scenario, the Board opted to follow a prescriptive approach that is informed by the experience of the 2007–2009 financial crisis. Given its global repercussions, the 2007–2009 financial crisis is a useful benchmark for the economic effects of a large global financial shock.

To generate the proposed paths of GDP and inflation in the four economic

regions for the severely adverse scenario, the Board first computed the distance between the realized outcomes of GDP and inflation during the 2007–2009 financial crisis from the baseline forecasts prior to the onset of the 2007–2009 financial crisis. These baseline forecasts were derived from publicly available forecasts from the Blue Chip Economic Indicators and the IMF World Economic Outlook (WEO).²³⁴ The Blue Chip and WEO forecasts provide values for year-over-year real GDP growth and inflation. To forecast quarterly GDP growth rates and inflation rates, quarterly values are first derived from the annual growth rates using linear interpolation; then a Hodrick-Prescott filter is used to smooth the path of GDP and inflation across the forecast period.²³⁵ Based on this procedure, the Board specifies guides for the values of the variables of interest. These values are usually reached in the scenario, but the Board reserves the right to depart from these values within specified ranges.

The data for the euro area, the U.K., and Japan were aggregated to obtain identical guides for GDP and inflation for these Advanced Foreign Economies (AFE). The Board favored identical guides for these regions to prevent possible credit allocation incentives that could arise if guides differed systematically between the AFEs. However, identical guides do not imply that the actual severely adverse scenario features identical paths for the euro area, the U.K., and Japan. The scenario paths of the three regions can vary with the given ranges.

The key elements of the international guides derived from this procedure are summarized in Table 23; Figure 9 shows the behavior of the variables of interest during the 2007–2009 financial crisis from which the guides are derived. Detailed explanations and alternative considerations are provided thereafter. For GDP, the deviation is computed as percentage change from the baseline real GDP level. For inflation, the deviation is computed as percentage point difference from the baseline path of inflation. For exchange rates, the guide is expressed in terms of percent deviation from the jump-off point.

²³² See *supra* note 222.

²³³ For the purpose of the supervisory stress tests, the Board defines Developing Asia as China, India, Hong Kong, South Korea, and Taiwan. Aggregate variables for this bloc (GDP, inflation, and the nominal exchange rate) are obtained by weighting country-specific variables by their relative share of the total nominal GDP (expressed in U.S. dollars).

²³⁴ The Blue Chip data provide forecasts over a two-year horizon and are updated at a monthly

frequency. The WEO data provide forecasts over a six-year horizon, which are updated biannually in April and September/October each year. To produce the baseline scenario, the Blue Chip forecasts are used for the first two years, whereas the WEO forecasts are used for the remaining years.

²³⁵ The Hodrick-Prescott filter is an empirical tool that can be employed to remove the cyclical component of a time series data. This technique was developed by Whittaker (1923) and

popularized in economics by Hodrick and Prescott (1997). See E. Whittaker, “On a New Method of Graduation,” *Proceedings of the Edinburgh Mathematical Association*. 41: 63–75 (1923), <https://doi.org/10.1017%2FS0013091500077853>; R. Hodrick & E. Prescott, *Postwar U.S. Business Cycles: An Empirical Investigation*, 29 J. of Money, Credit & Banking 1–16 (Feb. 1997), <https://doi.org/10.2307/2953682>.

Table 23: Summary of Guides for International Variables

	GDP (percent deviation from baseline)	Inflation (percentage point deviation from baseline)	Exchange Rate (percent deviation from jump-off)
Euro Area	Trough: -7.5 End value: -7.5 Range: -5, -10	Trough: -3 End value: 0 Range: -2, -4	EUR/ USD Peak: 15 End value: 0 Range: 5, 25
United Kingdom	Trough: -7.5 End value: -7.5 Range: -5, -10	Trough: -3 End value: 0 Range: -2, -4	GBP/ USD Peak: 15 End value: 0 Range: 5, 25
Japan	Trough: -7.5 End value: -7.5 Range: -5, -10	Trough: -3 End value: 0 Range: -2, -4	YEN/ USD Trough: -1 End value: 0 Range: -11, 9
Developing Asia	Trough: -3 End value: 0 Range: -0.5, -5.5	Trough: -5 End value: 0 Range: -0.8, -9	Dev Asia USD Peak: 15 End value: 0 Range: 5, 25

Note: Range refers to the value used for the trough. If the peak/trough is adjusted, the end value is modified to keep the ratio with the peak/trough value constant.

Table 23 also provides ranges for each variable to allow for flexibility: This flexibility enables judgment to be exercised to capture the possibility that the foreign economies might react differently to financial stress, either because of changes in the global macroeconomic landscape or in country-specific vulnerabilities.

The prescriptive approach for the international variables in the severely adverse scenario yields guides that are qualitatively and quantitatively reasonable based on the Board's judgment and broadly accepted models of international economies.²³⁶ The Board opted for the more prescriptive approach because the advantages of increased transparency and simplicity outweighed the disadvantage of less flexibility.

b. GDP

Trough Value

The magnitude of the prescribed economic downturn in the specified foreign economies is informed by the deterioration in foreign economic activity which occurred between 2008Q1 and 2009Q1. In particular, the trough value for GDP is obtained by considering the deviation of the real GDP level in 2009Q1 from a baseline path derived from the April 2008 IMF

WEO forecast.²³⁷ This approach implies that, four quarters after jump-off, the GDP levels in the euro area, the U.K., and Japan are 7.5 percent below the baseline scenario.²³⁸ In Developing Asia, GDP growth declines until GDP reaches a level 3 percent below baseline. These values are in line with the behavior of real GDP reported in the top panel of Figure 9.

End Value

In the euro area, the U.K., and Japan, the level of GDP at the end of the severely adverse scenario deviates from the corresponding value in the baseline (13 quarters after initial impact) by the same magnitude as the trough value of GDP deviates from the corresponding value in the baseline (4 quarters after initial impact). This assumption implies that, in line with the experience of the

2007–2009 global financial crisis, after reaching the trough, GDP in the AFEs grows at the same rate as in the (pre-crisis) baseline. The guide proposes that GDP recovers more quickly in developing Asia, returning to the GDP baseline in levels at the end of the scenario, in line with the evidence from 2011Q2. These GDP paths are consistent with Figure 9 and with empirical evidence which suggests that advanced economies suffer very persistent output losses following a financial crisis, while developing economies experience less severe slowdowns.²³⁹

Path

Real GDP reaches the reference trough four quarters after the jump-off date and then gradually converges to the end value of the scenario. After reaching the trough, the AFEs experience a similar GDP growth rate in the scenario as in the baseline, whereas Developing Asia grows faster in the scenario to catch up with the level of GDP in the baseline. The path of GDP is created with a two-step procedure similar to the one used to generate the baseline scenario. First, the series is linearly interpolated between the jump-off value and the

²³⁷ The April 2008 WEO provides forecasts for annual GDP growth and for annual inflation between 2008 and 2013. Blue Chip forecast for international variables are not available until 2009. The baseline for quarterly GDP growth rates and inflation, over the period 2008Q2 until 2011Q2, is generated using the same procedure employed to create the baseline scenario: first, quarterly values for the GDP level are obtained by linearly interpolating the annual growth rates available in the WEO forecast, and then a Hodrick-Prescott filter is used to smooth the GDP level path across the forecast period.

²³⁸ This value is in line with the average deviation from baseline across these advanced economies in 2009Q1, when weighting the deviations from baseline by the nominal GDP (in U.S. dollars) in each country bloc in 2007.

²³⁹ See, e.g., V. Cerra & S. Saxena, *Growth Dynamics: The Myth of Economic Recovery*, 98 *American Economic Review* 439–57 (2008); O. Jordà et al., *When credit bites back*, 45 *J. of Money, Credit & Banking* 3–28 (2013); M. Laeven & M. Valencia, *Systemic Banking Crises Revisited*, International Monetary Fund, WP/18/206 (2018).

²³⁶ See, e.g., M. Adrian et al., *A quantitative model for the integrated policy framework*. IMF WP/20/122 (2020).

trough value and from the trough value to the end value. Then, a Hodrick-Prescott filter is used to smooth the GDP path over the duration of the scenario. This approach generates a smooth path for GDP consistent with business cycle dynamics.

Range

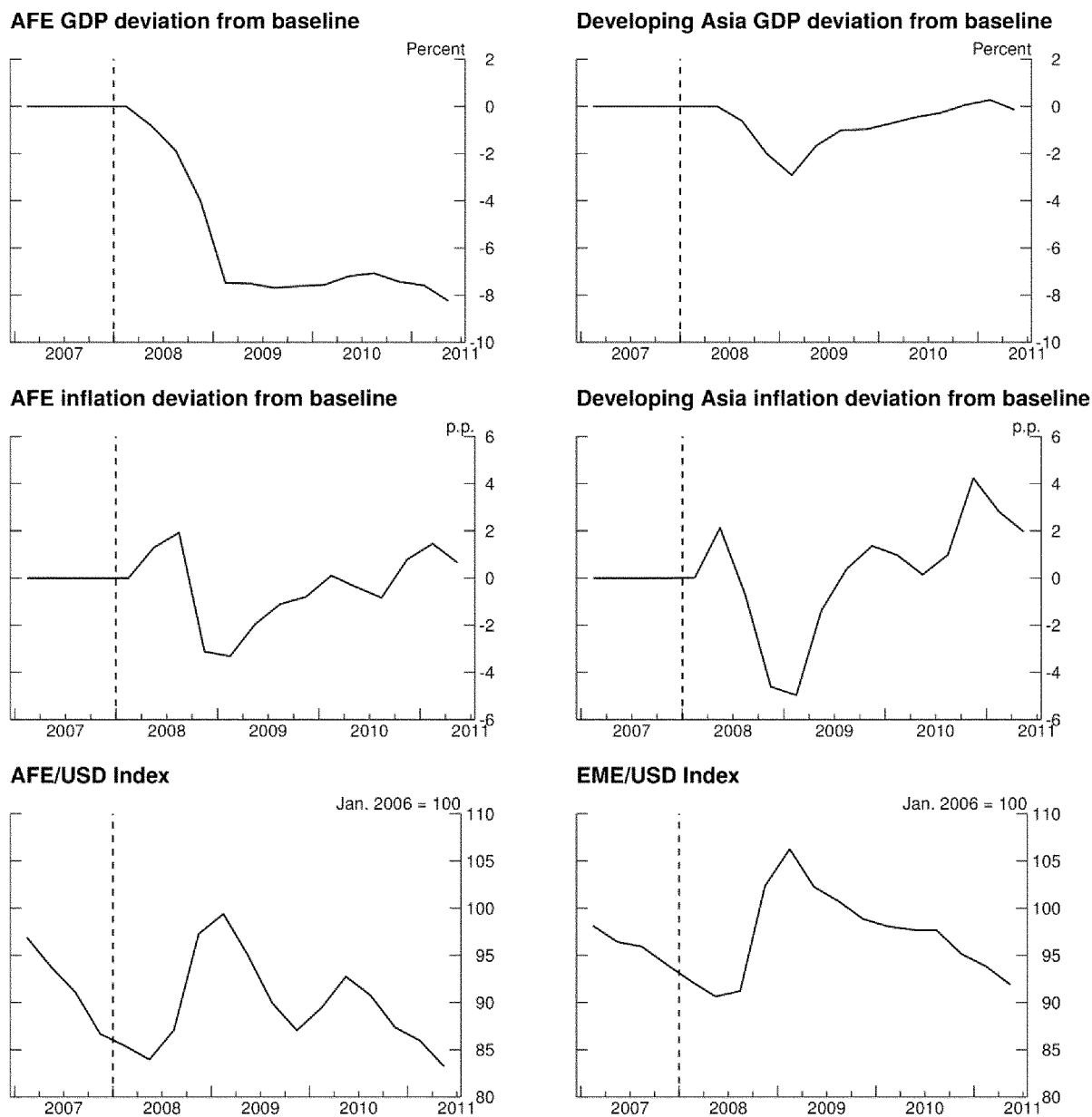
The path described above captures the GDP dynamics during the 2007–2009 financial crisis. In determining the magnitude of the international shock in the severely adverse scenario, the Board would consider several factors, including the current economic performance of foreign economies, the risks posed by country-specific vulnerabilities, and the scope for countercyclical policy actions in each

country bloc. For example, in periods of sub-par foreign economic performance, the Board would likely reduce the magnitude of the shock, whereas when foreign growth is particularly strong, the magnitude of the shock would be increased. In addition, the allocation of shocks across blocs can be altered to highlight relevant country-specific risks. This strategy is implemented by increasing or decreasing the severity of the shock, as measured by the deviation of GDP from baseline at the scenario trough, by at most 2.5 percent.²⁴⁰ As a

²⁴⁰ This value is in line with the average standard deviation of four-quarter GDP growth across the four country blocs, computed over the pre-COVID–19 historical sample. When adjusting the reference peak/trough value, the reference end value is adjusted proportionally, to keep the ratio with the trough value constant.

result, at the trough, real GDP can fall between 5 and 10 percent below the baseline in advanced foreign economies, bracketing the real GDP outcomes of the three AFEs in the 2007–2009 financial crisis. For Developing Asia, real GDP can fall between 0.5 and 5.5 percent below the baseline. These adjustments are performed while keeping the overall stress on foreign economies, as measured by the average GDP deviation from baseline at the trough, within a range of 4 to 9 percent.²⁴¹

²⁴¹ Total effect on the foreign economies is computed weighting the deviations from baseline in each country bloc by the bloc's nominal GDP (in U.S. dollars) in the year preceding the jump-off date. The range of –4 to –9 percent is centered around –6.5 percent—that is, the average deviation from baseline across the foreign economies in 2009Q1.

Figure 9: Behavior of Key International Variables during the 2007-2009 Financial Crisis

Notes: AFE stands for Advanced Foreign Economies. In the first and second panel AFE represent the euro area, the U.K. and Japan. EME stands for Emerging Market Economies.

c. Inflation

Trough Value

Inflation is assumed to decline below the baseline scenario for the first four quarters of the simulation, consistent with the demand-driven decline in GDP growth over the same period. This behavior is broadly in line with the historical evidence between 2008Q1 and 2009Q1 for the four country blocs. The maximum decline in inflation is calibrated to reflect the difference

between the realized rate of inflation and the one derived from the April 2008 IMF WEO forecast for 2009Q1 (middle panel of Figure 9). This method provides that, four quarters after the jump-off date, inflation is below baseline by about 3 percentage points in the euro area, the UK, and in Japan, and by 5 percentage points in Developing Asia.²⁴²

²⁴² The decline in inflation in the Euro area, UK, and Japan is in line with the average deviation from

End Value

After reaching the trough, inflation gradually returns to baseline by the 13th quarter of the simulation. This inflation path is consistent with the evidence from the 2007–2009 financial crisis, when inflation returned to, or even surpassed, the WEO baseline by 2011. In

baseline across these advanced economies in 2009Q1, when weighting the deviations from baseline by the nominal GDP (in U.S. dollars) in each country bloc in 2007.

addition, academic research suggests that financial crises typically do not have large or persistent effects on inflation.²⁴³

Path

The path for inflation is obtained by using the same strategy employed for GDP, which combines linear interpolation and a Hodrick-Prescott filter.

Range

If the path of GDP is different from the reference path, the path for inflation will be adjusted to preserve the same ratio between the deviation of GDP and the deviation of inflation from baseline under the reference path—the values of these ratios are 2.5 for advanced foreign economies and 0.6 for Developing Asia.²⁴⁴ As a result, inflation declines between 2 percentage points and 4 percentage points below baseline in the advanced foreign economies, and between 0.8 percentage points and 9 percentage points below baseline in Developing Asia.

d. Exchange Rates

Trough/Peak Value

The Board assumes that over the first four quarters of the simulation the U.S. Dollar experiences a 15 percent appreciation against the Euro and the British Pound. This appreciation is in line with the change in the Nominal Advanced Foreign Economies U.S. Dollar Index between 2008Q1 and 2009Q1 (bottom left panel of Figure 9).²⁴⁵ Over the same period, the U.S. Dollar appreciates by 15 percent also against the exchange rate for Developing Asia, in line with the fluctuation in the Nominal Emerging Market Economies U.S. Dollar Index between 2008Q1 and 2009Q1 (see bottom right panel of Figure 9).²⁴⁶ Consistent with the evidence between 2008Q1 and 2009Q1, the U.S. Dollar experiences a mild 1 percent depreciation against the Japanese Yen, which is typically

considered a safe-haven currency, a currency which retains its value during times of global economic stress.²⁴⁷

End Value

Exchange rates gradually reach their peak/trough and then revert back to their jump-off values by the end of the scenario horizon.

Path

The path for the exchange rate is obtained by using the same strategy employed for GDP and inflation, which combines linear interpolation and a Hodrick-Prescott filter.

Range

For exchange rates, which are highly volatile and only weakly linked to macroeconomic fundamentals, the Board can adjust the maximum fluctuation of each of the four foreign currencies within a range of plus or minus 10 percent from the reference peak/trough value.²⁴⁸ For each country bloc, the magnitude of the depreciation is adjusted depending on the realized change in the exchange rate in the year preceding the jump-off date. For example, if over the past year the dollar has already appreciated by 5 percent against the euro, the Board would lower the appreciation rate in the scenario from 15 percent to 10 percent.

e. Alternative Considerations

The Board considered a range of different approaches to derive the guides for the international variables in the severely adverse scenario. First, distinct instead of common guides for GDP and inflation for each of the AFEs were explored. Following the methodology explained in Section IX.F of this Supplementary Information, the trough values for GDP during the 2007–2009 financial crisis were 6 percent below baseline in both the euro area and the U.K., and 10 percent below baseline in Japan. For inflation, the trough values in the 2007–2009 financial crisis were 3 percent below baseline in the euro area, 2 percent below baseline in the U.K., and 4.5 percent below baseline in Japan. The Board decided against using region-specific guides for the AFEs, as systematic differences in the guides across regions could affect credit

allocations. However, the issued guides still allow for region-specific paths in the severely adverse scenario within the specified ranges to reflect region-specific circumstances when desirable. The Board may also use the specified ranges to raise or lower the sensitivity of all regions at the same time in the severely adverse scenario.

Second, the Board examined other global or regional economic downturns of significance in addition to the 2007–2009 financial crisis to refine its guides for the international variables of the adverse scenario. There are only a few global recessions in recent history but none of them—besides the 2007–2009 crisis—were driven by financial factors. The COVID–19 recession of 2020 led to a sharper contraction in global economic activity than the 2007–2009 financial crisis but did not result in persistent financial stress. One distinct feature of the 2007–2009 financial crisis was the resilience of Developing Asia where GDP dropped by only 3 percent relative to baseline. Only a decade prior to the 2007–2009 financial crisis, several countries in Developing Asia had experienced negative doubled-digit GDP growth rates as part of the 1997 Asian Financial Crisis. Based on the experience of the 1997 Asian Financial Crisis, the Board considered a lower trough value for Developing Asia. However, the Board decided against this approach for several reasons. China was generally unaffected by the Asian Financial Crisis and maintained its high GDP growth rate throughout the crisis, significantly increasing the regional GDP growth rate during this period despite the sharp declines experienced elsewhere in the region. In addition, the countries that were most affected by the Asian Financial Crisis changed to more robust economic policies—switching from fixed/managed exchange rates to flexible inflation targeting and from policies that implied large current account deficits to policies that led to surpluses. Finally, the Board looked to the euro area debt crisis for additional guidance. But since this crisis directly followed the 2007–2009 financial crisis no additional insight for the design of the severely adverse scenario was obtained that was not already embedded in the analysis of the 2007–2009 financial crisis. In the interest of transparency and simplicity, the Board decided to adopt the findings derived solely from the 2007–2009 financial crisis but added flexibility by allowing ranges for variables.

²⁴³ See, e.g., M. Schularick & A. Taylor, *Credit Booms Gone Bust: Monetary Policy, Leverage Cycles, and Financial Crises, 1870–2008*, 102 Am. Econ. Rev. 1029–61 (2012); S. Gilchrist et al., *Inflation Dynamics during the Financial Crisis*, 107 Am. Econ. Rev. 785–823 (2017).

²⁴⁴ This value is equal to the ratio between the deviation of real GDP from baseline and the deviation of inflation from baseline at the trough in the international guides, that is the ratio between 7.5% and 3% for advanced foreign economies and the ratio between 3 percent and 5 percent for Developing Asia.

²⁴⁵ Nominal Advanced Foreign Economies U.S. Dollar Index [DTWEXAFEGS], <https://fred.stlouisfed.org/series/DTWEXAFEGS>.

²⁴⁶ Nominal Emerging Market Economies U.S. Dollar Index [DTWEXEMEGB], <https://fred.stlouisfed.org/series/DTWEXEMEGB>.

²⁴⁷ See, e.g., M. Botman, et al., *The Curious Case of the Yen as a Safe Haven Currency: A Forensic Analysis*, International Monetary Fund, WP/13/228 (2013). The Yen/USD exchange rate went from approximately 99.9 at the end of 2008Q1 to 99.15 at the end of 2009Q1, a decline of about one percent.

²⁴⁸ This value is in line with the average standard deviation of 4-quarter changes in the exchange rates of the four country blocs, computed over the pre-COVID–19 historical sample.

H. Global Market Shock

Design of the Global Market Shock

The global market shock component comprises a large set of financial risk factors and associated hypothetical shocks to those risk factors. The Board considers emerging and ongoing areas of financial market vulnerabilities in the development of the global market shock component, informed by financial stability reports, supervisory information, and internal and external assessments of potential sources of distress such as geopolitical, economic, and financial market events. Financial risk factor shocks are calibrated based on assumed time horizons that reflect several scenario design considerations. The Board also considers liquidity characteristics of the different asset classes that constitute certain risk factors. These liquidity horizons approximate the variation in speed at which banks could reasonably close out, or effectively hedge, the associated risk exposures in the event of market stress.

The chosen risk factors of the global market shock scenario are important to specifying how a stress scenario unfolds across financial markets and capturing salient risks within the banking system. These include, but are not limited to:

- Public equity returns from key advanced economies and from developing and emerging market economies, along with selected points along term structures of equity option-implied volatilities;
- Exchange rates of foreign currencies, along with selected points along term structures of foreign exchange option-implied volatilities;
- Government yields at selected maturities (e.g., 10-year U.S. Treasuries), swap rates, and other types of interest rates for key advanced economies and from developing and emerging market economies;
- Implied volatilities on interest rate options for selected maturities and expiration dates, which are key inputs to the pricing of interest rate derivatives;
- Futures prices at various expiration dates for commodity products such as energy, oil, metals, and agricultural products; and
- Credit spreads or prices for selected credit-sensitive products, including corporate bonds, credit default swaps (CDS), securitized products, sovereign debt, and municipal bonds.

The global market shock is typically applied to positions held by the firms on a given as-of date, reflecting a hypothetical instantaneous “shock” to a large number of risk factors that determine the mark-to-market values of trading positions. Additionally, the

global market shock in a given annual severely adverse scenario is a standardized set of market shocks that apply to all of the firms with significant trading activities. The selection of a single date, and a single global market shock, has tended to enhance the operational consistency and simplicity of the annual supervisory stress test, while managing burden on reporting firms.

The Board is considering enhancements to the design of the global market shock in the annual stress test to improve the stress test’s ability to capture the impact of severe economic stress in financial markets. Alternative approaches to the global market shock could include employing instantaneous shock events across multiple as-of dates, rather than the current approach of selecting a single date for an instantaneous shock event. Another approach could involve an annual stress test that features multiple global market shock components on a single as-of date, which would allow the Board to compare a given firm’s losses across a variety of types of shocks for a given set of trading position. The set of losses generated by such multiple market scenarios could be aggregated using a simple average, an average of the two worst outcomes, or another technique. These alternatives could enhance the dynamism of the annual stress tests and improve the Board’s ability to evaluate the impact of severe economic stress on trading positions in a given annual stress test. However, these changes could also increase the complexity of the tests, and affect their predictability from year to year.

Question 44: What changes could the Board implement to improve the general design of the global market shock? What, if any, alternative approaches should the Board consider? For instance, should the Board consider adjusting the global market shock so that shock events occur on multiple dates within the as-of date window? Should the Board consider testing more than one global market shock component in a given annual stress test or on a particular date? If so, how should the Board assess whether the current design, or alternative approaches, contribute to outcomes that are overly volatile or insufficiently representative of risks? If the Board should adopt these alternative approaches, what information should the Board provide to the public about how it will implement these alternatives, and should that information be published as part of a revised Scenario Design Policy Statement, codified as part of Regulation YY, the annual

scenario disclosure, or some other means?

Question 45: If the Board did adjust the global market shock to consider multiple dates within the as-of date window or more than one global market shock component in a given annual stress test or on a particular date, what method should the Board use to aggregate these values to calculate a firm’s trading and counterparty losses in the stress test and why? For example, should the Board consider averaging the two instances of highest trading and counterparty losses? What would be the advantages and disadvantages of these aggregation methods?

Question 46: The global market shock component and the largest counterparty default component of the severely adverse scenario are both based on the global market shock. Should the Board consider removing one or both of these components from the severely adverse scenario? If so, what alternative approaches should the Board consider to account for trading and counterparty losses in the supervisory stress test? For example, should trading and counterparty losses be considered as part of the macroeconomic scenario as opposed to the global market shock? What would be the advantages and disadvantages of retaining these components or replacing them with alternative approaches?

Question 47: Should the Board continue to include a global market shock component in the severely adverse scenario? What would be the advantages and disadvantages of including a market shock component in the severely adverse scenario? If the Board determines to remove the market shock component, are there additional changes that the Board should implement that would mitigate any disadvantages from this change?

Question 48: The global market shock component currently applies to firms subject to Category I, II, and III standards that have aggregate trading assets and liabilities of \$50 billion or more, or trading assets and liabilities equal to or greater than 10 percent of total consolidated assets. What are the advantages and disadvantages of applying the global market shock component to this group of firms? Should this component apply to a different set or subset of firms? If so, how should the Board determine which set or subset of firms should be subject to the global market shock component?

Shock Values

The Board generates shock values for all exposures in the global market shock template. Shock values represent the

magnitudes of changes to the financial risk factors and reflect the severity of

market stress that these risk factors experience in the scenario. Table 24

provides an overview of the proposed shock definitions by asset class.

Table 24: Overview of Shock as Generated by the Global Market Shock in the Scenario Design Framework

Asset class	Spot/futures curve shocks	Option-implied volatility shocks
Agencies	Option adjusted spread changes to U.S. residential agency products, U.S. commercial agency products, and non-U.S. agency products across various ratings.	N/A
Commodities	Arithmetic returns to spot prices and futures contract prices across maturities for commodities.	Changes to implied volatilities of commodities.
Foreign exchange rates	Arithmetic returns to spot exchange rates of various currencies against the U.S. dollar. Cross-currency spot exchange rates.	Changes in implied volatility of foreign exchange options across various maturities.
Interest rates	Absolute changes to term structures of government bond yields and swap rates for various countries. Absolute changes in inflation, cross-currency versus the U.S. dollar basis, and euro tenor basis risk.	Changes to interest rate implied volatilities across various swaption maturities.
Public equity	Arithmetic returns to public equity across regions (markets).	Changes in implied volatilities of public equity options across various maturities.
Public equity dividends	Relative yield shocks on dividend derivatives (e.g., dividend swaps and dividend futures) across various regions (markets) and tenors.	N/A
Sovereign credit	Changes to five-year CDS spreads for various countries.	N/A
Corporate credit	Spread changes to corporate bonds, covered bonds, indices, index tranches, and index options across credit ratings.	N/A
Municipal credit	Spread changes to municipal bond indices and other municipal credit products across credit ratings.	N/A

Asset class	Spot/futures curve shocks	Option-implied volatility shocks
Other fair value assets	Arithmetic returns to other securities held under fair value accounting rules. Examples include illiquid fair value securities, which cannot be grouped into another asset class, such as public welfare investments covering housing credit, tax credit, and energy investments.	N/A
Securitized products	Market value haircuts (price declines), expressed in percentage terms, to value-weighted portfolios of mortgage-backed securities and other asset-backed securities.	N/A

Liquidity Horizons

Financial risk factor shocks are calibrated based on assumed time horizons that reflect several scenario design considerations. The horizons are generally longer than the typical times needed to liquidate exposures under normal conditions because they are designed to capture the unpredictable liquidity conditions that prevail in times of stress. The Board is proposing to add descriptions of the liquidity horizons in the Scenario Design Policy Statement.

As discussed below, the Board is proposing horizons that are intended to maintain consistency with the timeline for attributing losses stemming from these risk factors. Specifically, losses associated with the global market shock component are recognized in the first quarter of the projection horizon, which indicates that these shocks occur within a three-month period and thus implies a three-month upper bound for calibrating the shocks.

The Board is proposing to amend its Scenario Design Policy Statement to use shock liquidity horizons that are broadly consistent with the proposed standards in the Basel Committee on

Banking Supervision's Fundamental Review of the Trading Book (FRTB).²⁴⁹ The risk factors in the FRTB are similar to the ones in global market shock. The horizons in the FRTB were determined by the Basel Committee in consultations with the financial industry and represent the general consensus of a broad range of regulation authorities and the industry. Therefore, they are a reasonable benchmark for defining the shock horizons used in the global market shock. The Board departed from the FRTB slightly by specifying the same liquidity horizon to all risk factors in the same asset class. This choice was consistent with the Board's stress test principle of simplicity and facilitated a more straightforward modeling framework for the global market shock.

The liquidity horizons used in the global market shock component are not perfectly matched with the FRTB liquidity horizons due to granularity differences between the FRTB standards and the global market shock template. The FRTB specifies horizons at a more granular level, often using different horizons within each asset class. For example, the FRTB specifies sovereign risk factor horizons by credit rating. In

contrast, the global market shock template specifies sovereign shocks by country to capture country-specific risks not reflected by credit ratings. Moreover, the Board uses the same liquidity horizon for all risk factors within each asset class, whereas the FRTB allows for different horizons within asset classes. Given these differences, the global market shock scenario aims at aligning with the horizons specified by the FRTB by using a weighted average of the FRTB horizons within each asset class. The weights are determined using aggregate firm exposures over past submission quarters. For example, FRTB horizons for equity risk factors vary between 10 and 60 business days, and the global market shock horizon for this asset class would be four weeks. Because the Board imposes an upper bound on global market shock horizons of one quarter, there are cases where the range of FRTB horizons would be longer than the global market shock horizon. For example, FRTB horizons for corporate credit risk factors vary between 60 and 120 business days, but the Board uses a horizon of three months for corporate credit. See Table 25.

²⁴⁹ Basel Committee on Banking Supervision, "Calculation of RWA for market risk," in *The Basel*

Framework 675–970, <https://www.bis.org/baselframework/BaselFramework.pdf>. See also 88 FR 64028, 64138 (Sep. 18, 2023).

Table 25: Current and Proposed Liquidity Horizons

Asset class	Current Liquidity Horizon	Proposed Liquidity Horizon
Agencies	3 months	1 month
Commodities	3 months	1 month
Foreign exchange rates	3 months	1 month
Interest rates	3 months	1 month
Public equity	3 months	1 month
Public equity dividends	3 months	1 month
Sovereign credit	6 months	1 month
Corporate credit	6 months	3 months
Municipal credit	6 months	3 months
Other fair value assets	12 months	3 months
Securitized products	12 months	3 months

Question 49: What are the advantages and disadvantages of the Board’s proposed liquidity horizons? What, if any, additional or alternative liquidity time horizons should the Board consider?

Global Market Shock Simplification

As discussed in Section II.B of this Supplementary Information, the global market shock specifies hypothetical shocks to a standard set of risk factors. Currently, the global market shock discloses more than 20,000 risk factors that reflect sudden market distress and heightened uncertainty. Statistical models are used to generate a subset of risk factors out of these 20,000 risk factors with the remaining ones generated by simple mapping. However, this latter category includes many risk factors that are often not material (for example, certain commodity shocks).

These low-materiality exposures do not necessarily enhance the risk capture of the global market shock component.

To address these issues and simplify the global market shock component, the Board is proposing to substantially reduce the number of disclosed risk factors. Specifically, this would reduce the number of disclosed risk factors to approximately 2,300 shocks, determined based on their relevance for developing a global market shock scenario narrative, the materiality of the risk factor, data quality, and consistency across asset classes.

Under this approach, the Board would also review consistency across asset classes. In this regard, where possible, the Board would generate shocks to the same set of countries, regions, and tenor points across different asset classes. Such consistency would simplify shock comparison across different asset classes

and improve public understanding of the global market shock component. Additionally, the Board is proposing to remove the inclusion of shocks to the values of private equity positions in section 3.2(b)(viii) of the Scenario Design Policy Statement, because private equity exposures are now stressed using the severely adverse macroeconomic scenario.

Question 50: What are the advantages and disadvantages of simplifying the global market shock’s specification of risk factor shocks? What are the advantages and disadvantages of removing shocks related to the value of private equity positions from the global market shock component?

X. Economic Analysis

Introduction

In December 2024, the Board announced that it would seek public

comment on significant changes to improve the transparency of its supervisory stress test and to reduce the volatility of resulting capital buffer requirements.²⁵⁰ As discussed in Section II.E of this Supplementary Information, this proposal would improve the transparency and public accountability surrounding the stress test models and scenarios, as well as make certain changes to their underlying methodologies, which could provide meaningful benefits to the public as discussed below. This section provides economic analysis of the enhanced disclosure of the supervisory stress test framework.

The Board's supervisory stress test has historically operated with some disclosure regarding the stress test models and scenarios used, with an increase in public information provided beginning in 2019, as discussed in Section II.B of this Supplementary Information. The comprehensive model documentation that the Board is publishing on its website, as well as the proposed enhanced disclosure process for the models and scenarios, provides several benefits, including improved credibility of the stress test, improvement in feedback regarding the modeling process, better informed investors, and improved market discipline. However, the enhanced disclosure comes with costs as well, including reduced model dynamism, and increased systemic reliance on a single model, that is, "model monoculture."

Baseline

The economic analysis uses the current stress testing framework, including the current disclosure regime, as the baseline. Throughout the analysis, the Board assesses the economic impact of the proposal by comparing outcomes under the proposal to the outcomes estimated under the baseline.

Proposed Policy Changes

With this proposal, the Board is providing a comprehensive description of the modeling framework used to conduct the supervisory stress test: the equations, variables and parameters of each model used to estimate the projections that, when aggregated, produce the results of the supervisory

stress test. This proposal would also codify an enhanced disclosure process under which the Board would annually publish the stress test models, invite public comment on any material changes to the models, and seek comment on the annual stress test scenarios. This represents a significant increase in disclosure relative to present, as current stress test disclosures are more limited, for example, current disclosures cover the structure of the stress testing model framework and key variables, along with hypothetical portfolio loss rates for select corporate and retail loss models.

In addition, this proposal would change the stress test jump-off date and the GMS as-of date, as described in Sections VI.A and VI.B of this Supplementary Information. These changes would adjust the stress testing schedule to accommodate the public comment process and mitigate risks that the enhanced disclosure provided under this proposal would undermine the goals of supervisory stress testing.

Section VIII.A of this Supplementary Information summarizes proposed changes to the stress testing models from the 2025 to the 2026 supervisory stress test, which would inform the Board's determination of firms' stress capital buffer requirements.²⁵¹ Section VIII.B provides an analysis of the potential effects of these proposed model changes.

Finally, Sections V and IX of this Supplementary Information describe proposed changes to the Board's Stress Testing Policy Statement and Scenario Design Policy Statement. The proposed changes to the Board's Stress Testing Policy Statement and Scenario Design Policy Statement are intended to express the Board's expectations for how the Board conducts the annual supervisory stress test and designs annual scenarios for the annual supervisory stress test. These changes provide additional transparency, public accountability, and predictability without creating binding legal obligations or economic impact.

Analysis of Benefits and Costs of Enhanced Model Disclosure

Benefits

a. Improved Credibility of the Stress Test

The supervisory stress test has material safety and soundness benefits and these benefits are likely more sustainable when the Board's stress

testing program operates with high levels of accountability and credibility. Disclosing comprehensive model documentation to the public ensures that all institutions and stakeholders have equal access to the supervisory methodology, which could improve accountability in supervisory decision-making, promote fairness, and reinforce trust in the stress testing process. Publicly disclosing the stress test models and scenarios also enhances trust in the stress testing process,²⁵² as stakeholders may be able to better assess the soundness of models and their alignment with best practices.²⁵³ As a result, firms may understand better where there are discrepancies between their own internal stress testing models and the supervisory stress testing models, and consequently they may be better positioned to communicate specific concerns with supervisors. With greater transparency and public accountability, stakeholders may be more confident that the supervisory stress test results do not reflect the desires of firms or supervisors to obtain a specific outcome.²⁵⁴ While the Board has previously released enhanced disclosures of the stress test models, such as portfolio-level average loss rates, macro-to-loss linkages, and risk drivers, the comprehensive model documentation disclosed in connection with this proposal better illustrates how supervisors incorporate model refinements and emerging risks, which could further improve credibility over time.

In addition, as described in Section VI.B of this Supplementary Information, this proposal would extend the date selection range of GMS as-of date from five months (between October 1 of the previous year and March 1 of a given year) to a full year (between October 1 of two years prior to a given stress test cycle to October 1 of the year prior to a given stress test cycle). Thus, the GMS

²⁵² For an overview of studies on the impact of government transparency, which generally suggest a mixed-to-positive impact on trust, see M. Cucciniello et al., *25 Years of Transparency Research: Evidence and Future Directions*, 77 Public Admin. Rev. 32–44 (2016).

²⁵³ See I. Goldstein & Y. Leitner, "Stress test disclosure: theory, practice, and new perspectives," Handbook of Financial Stress Testing 208–223 (2022).

²⁵⁴ See I. Goldstein & H. Sapra, *Should Banks' Stress Test Results Be Disclosed? An Analysis of the Costs and Benefits*, 8 Foundations and Trends in Finance 1–54 (2013); F. Niepmann & V. Stebunovs, *Modeling our stress away*, 158 Journal of Banking & Finance 107042 (2024). When regulators are more constrained in their ability to make the models more or less severe, this could alleviate inefficient strategic interactions between supervisors and banks, referred to as "policy traps." J. Shapiro & J. Zeng, *Stress Testing and Bank Lending*, 37 Rev. of Fin. Studies 1265–1314 (2024).

²⁵⁰ See Board, Press Release (Dec. 23, 2024), <https://www.federalreserve.gov/newsevents/pressreleases/bcreg20241223a.htm>. In February 2025, the Board stated that it would begin the public comment process on comprehensive changes to the supervisory stress test in 2025. See Board, Press Release (Feb. 5, 2025), <https://www.federalreserve.gov/newsevents/pressreleases/bcreg20250205a.htm>.

²⁵¹ For a more detailed discussion of the proposed model changes, see <https://www.federalreserve.gov/supervisionreg/dfa-stress-tests-2026.htm>.

could be applied to market risk positions held by the firms on any selected date within the full year instead of the current five months. This change could reduce firm's risk gaming activities such as "window dressing" for firms subject to the GMS. Therefore, the resulting improved risk capture would further enhance the credibility of the stress test results.

b. Improved Model Feedback

The Board's supervisory stress test models consist of equations, parameters, and assumptions that translate hypothetical macroeconomic shocks under designed stress scenarios into loss estimates across asset classes, income streams, and capital ratios. Despite their complexity, the supervisory stress test models and stress scenarios, like all theoretical models, remain simplified representations of reality. As such, they benefit from feedback and refinement. Public disclosure of models and scenarios should provide academics, industry professionals, and the broader risk community with the information to provide more effective feedback.²⁵⁵ For example, in past supervisory stress testing cycles, stakeholders have raised concerns about loss rates on certain asset classes. Over time, such feedback could help to refine and improve the models and scenarios as they could be updated to mitigate concerns, as appropriate. In this sense, the proposal's enhanced disclosure could facilitate stakeholders' feedback, ultimately leading to better modelling performance and further enhancing the credibility of the supervisory stress testing process.²⁵⁶

c. Improved Ability To Evaluate Business Plans

Comprehensive disclosure of the stress test models also may help firms better understand how supervisors assess losses under severely stressed hypothetical scenarios. This may allow firms to more accurately predict their required capital ratios, reducing capital planning uncertainty²⁵⁷ and possibly

increasing firms' willingness to lend.²⁵⁸ Reduced capital requirement uncertainty could help firms better plan their future business decisions.

d. Better Informed Investors and Improved Market Discipline

Research suggests that investors use stress test results to assess firms' resilience. Indeed, disclosures of results from the stress test tend to affect firms' stock prices and CDS spreads.²⁵⁹ Through such financial market signals, investors may help discipline firms' risk taking.²⁶⁰ This "market discipline" may constrain risk taking and incentivize firms to strengthen capital positions.²⁶¹ The comprehensive disclosure of the supervisory stress testing models may allow investors to make better informed decisions, potentially improving the effectiveness of market discipline.

Costs

a. Reduced Dynamism

As discussed above, models are necessarily a simplified version of reality. As forecasting methodologies evolve or conditions in the economy and the financial system change, the existing models may no longer adequately capture risks. For this reason, an effective stress test must be able to adapt. Under this proposal, material changes to the stress testing models would be published for

Testing," Remarks at "The Effects of Post-Crisis Banking Reforms" conference (Jun. 22, 2018).

²⁵⁸ For evidence on the impact of regulatory uncertainty on lending, see S. Gissler et al., *Lending on hold: regulatory uncertainty and bank lending standards*, 81 J. of Monetary Econ. 89–101 (2016).

²⁵⁹ See C. Sahin et al., *Banking stress test effects on returns and risks*, 117 J. of Banking & Fin. 105843 (2020); L. Guerrieri & M. Modugno, *The information content of stress test announcements*, 160 J. of Banking & Fin. 107087 (2024); M. Flannery et al., *Evaluating the information in the federal reserve stress tests*, 29 J. of Fin. Intermediation 1–18 (2017); G. Petrella & A. Resti, *Supervisors as information producers: Do stress tests reduce bank opacity?*, 37 J. of Banking & Fin. 5406–20 (2013); D. Morgan et al., *The Information Value of the Stress Test*, 46 J. of Money, Credit & Banking 1479–1500 (2014); C. Alves et al., *Do stress tests matter? A study on the impact of the disclosure of stress test results on European financial stocks and CDS markets*, 47 Applied Economics 1213–29 (2015); O. Georgescu et al., *Do stress tests matter? European Central Bank Working Paper 2054* (2017), <https://www.ecb.europa.eu/pub/pdf/scpwp/escb.wp2054.sv.pdf>; L. Ahnert et al., *Regulatory stress testing and bank performance*, 26 European Fin. Mgmt 1449–88 (2020); L. Gu, K. Wang., & J. Wu, "The asset market effects of bank stress-test disclosures," in *Stress Testing (2nd Edition): Approaches, Methods and Applications* (2019).

²⁶⁰ See *supra* note 33.

²⁶¹ For evidence on the impact of stress test disclosure on bank risk-taking, see *supra* note . However, the impact on risk-taking is attributed more to supervisory scrutiny than disclosure in other research. See C. Kok et al., *The disciplining effect of supervisory scrutiny in the EU-wide stress test*, 53 J. of Fin. Intermediation 101015 (2023).

comment, and the Board would be required to respond to such comment, before implementing the material model changes in the supervisory stress test. This process would increase the resources needed to develop, propose, and implement material model changes, particularly to the extent that any changes are complex, present many alternatives, or affect firms' ability to distribute capital. As a result, the use of new models or model changes that explore risks that are less established may pose a high resource burden under the proposed enhanced disclosure regime, potentially limiting the supervisory stress test to simpler, less controversial, and more familiar approaches.²⁶² Tests of new risk dimensions or emerging threats may take significantly more time to implement. With less dynamism, the supervisory stress test may fail to capture new risks and could produce an increasingly stale view of how firms would be likely to perform under stressed conditions.²⁶³ In addition, as described in Section VI.A of this Supplementary Information, this proposal would change the jump-off date of the supervisory and company-run stress tests from December 31 to September 30, to allow the Board to publish the annually disclosed stress test information for comment after the jump-off date of the stress test and to prevent firms from adjusting their exposures based on the published information. As a result, the tested balance sheets would be older by one quarter, which would add additional staleness to the stress test and stress test results, because firm balance sheets as well as economic conditions could change substantially within a quarter.

b. Reduced Risk Sensitivity and Overreliance on a Single Model Framework

Supervisory stress testing results are important inputs to the capital requirements associated with firms'

²⁶² See M. Flannery, *Transparency and model evolution in stress testing*, SSRN Working Paper (2019), <http://dx.doi.org/10.2139/ssrn.3431679>. Even the current approach to stress testing may not allow for the optimal level of dynamism or macroprudential considerations. See D. Tarullo, *Reconsidering the regulatory uses of stress testing*, Hutchins Center Working Paper 92 (2024), https://www.brookings.edu/wp-content/uploads/2024/05/WP92_Tarullo-stress-testing.pdf; W. Bassett & D. Rappoport, "Enhancing stress tests by adding macroprudential elements," in *Handbook of Financial Stress Testing* 455–83 (2022).

²⁶³ For an example of the reduced utility of a stale stress model, see W. Frame et al., *The failure of supervisory stress testing: Fannie Mae, Freddie Mac, and OFHEO*, Federal Reserve Bank of Boston Working Paper 15–4 (2015), <https://www.bostonfed.org/-/media/Documents/Workingpapers/PDF/wp1504.pdf>.

²⁵⁵ See I. Goldstein & Y. Leitner, "Stress test disclosure: theory, practice, and new perspectives," *Handbook of Financial Stress Testing* 208–223 (2022); B. Hirtle, "Structural and Cyclical Macroprudential Objectives in Supervisory Stress Testing," Remarks at "The Effects of Post-Crisis Banking Reforms" conference (Jun. 22, 2018).

²⁵⁶ As an example of feedback on the Pre-provision Net Revenue Model under the current disclosure regime, see M. Xiao, "What Goldman's appeal victory means for Fed stress tests," *Risk.net* (Oct. 30, 2024), <https://www.risk.net/risk-management/7960102/what-goldmans-appeal-victory-means-for-fed-stress-tests>.

²⁵⁷ See G. Gallardo et al., *Stress testing convergence*, 9 J. of Risk Mgmt. in Fin. Institutions 32–45 (2016); B. Hirtle, "Structural and Cyclical Macroprudential Objectives in Supervisory Stress

banking activities. With comprehensive model disclosure likely reducing the uncertainty of supervisory stress test results, firms' estimates of future regulatory capital requirements could rely more on the Board's stress test models and less on their own internal stress testing models or internal risk management tools, both of which may be less useful than before for managing regulatory capital.²⁶⁴ To the extent that firms' own internal stress testing models or risk management tools provide additional information about risk, the expected capital requirements could become less risk-sensitive as a result and it may reduce firms' incentives to independently measure and manage their vulnerabilities.

Disclosure could also enable firms to more easily optimize their exposures to minimize capital requirements in the supervisory stress test, which could allow vulnerabilities to build up where risks are not well or fully accounted for by standardized supervisory models.

Reliance on the supervisory stress testing models could extend further if disclosure results in firms increasing the similarity of their own stress models to the stress test models.²⁶⁵ Increased reliance of all stress tested firms on a single model, known as "model monoculture," or delaying material model changes while risks build up in areas that are treated benignly in the stress test would pose risks, as firms may face a greater incentive to shift business activities towards these areas to reduce their capital requirements.²⁶⁶ The resulting convergence of risk taking could increase the vulnerability of the banking system, particularly to those risks that are under-reflected by the supervisory stress testing models.²⁶⁷

²⁶⁴ T. Schuermann, "The Fed's Stress Tests Add Risk to the Financial System," W.S.J. (Mar. 19, 2013), https://www.wsj.com/articles/SB10001424127887324532004578362543899602754?gaa_at=eafs&gaa_n=ASWzDAGXgiqB0fwSlwZXAjZF5ilfwSHPfIt1sv9plwVWYp1FFRG2Tyjb153&gaa_ts=68e66a22&gaa_sig=QXBddH1PbBwcemmdRad58NRIsllftxSu-CxAv7UOygrlCujSjqcMQF1rlakd0GGI4045knXKHn-H06BNwTBP-Q%3D%3D.

²⁶⁵ Of course, as noted above, there is benefit to these changes to the extent that they are adopted to improve the ability of firms' models to capture risk.

²⁶⁶ Relatedly, banks may have a stronger incentive to temporarily curtail those risk exposures treated adversely by the stress testing models, i.e., to "window dress." See P. Alexander, "How banks game stress tests: the 'shocking' truth," Risk.net (Sep. 30, 2019), <https://www.risk.net/regulation/6989811/how-banks-game-stress-tests-the-shocking-truth>; M. Cornett et al., An Examination of Bank Behavior around Federal Reserve Stress Tests, 41 Journal of Financial Intermediation 100789 (2020).

²⁶⁷ See Y. Leitner & B. Williams, Model Secrecy and Stress Tests, 78 J. of Fin. 1055–95 (2023); K.

Conclusion

As discussed in the introduction to Section X.D of this Supplementary Information, the Board's supervisory stress test has historically operated with partial disclosure regarding the stress test models used. The comprehensive model documentation published in connection with this proposal, as well as the proposed enhanced disclosure process, provides several benefits that outweigh the costs of the proposal.

Taken together, the Board assessed that the benefits of the proposal justify the costs.

Question 51: What, if any, additional material costs or benefits should the Board consider, in addition to those discussed in the proposal?

Question 52: What alternatives that achieve the objectives of the proposal should the Board evaluate? Please provide specific suggestions and rationales for any proposed alternatives, including how they might address potential unintended consequences or better achieve the proposal's goals.

XI. Administrative Law Matters

A. Paperwork Reduction Act Analysis

In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), the Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The Board reviewed the information collections related to the proposed rule under the authority delegated to the Board by OMB.

The proposed rule would not create any information collections subject to the PRA; however, the Board is proposing to revise the FR Y–14A/Q/M to reduce regulatory reporting burden by

Rhee & K. Dogra, *Stress Tests and Model Monoculture*, 152 J. of Fin. Econ. 103760 (2024); B. Hirtle, "Structural and Cyclical Macropprudential Objectives in Supervisory Stress Testing," Remarks at "The Effects of Post-Crisis Banking Reforms" conference (Jun. 22, 2018), <https://www.newyorkfed.org/newsevents/speeches/2018/hir180622>; Flannery, M.J., 2019. Transparency and Model Evolution in Stress Testing. SSRN, Working Paper, <http://dx.doi.org/10.2139/ssrn.3431679>; B. Bernanke, "Stress testing banks: what have we learned?" Remarks at "Maintaining Financial Stability: Holding a Tiger by the Tail" conference (Apr. 8, 2013), <https://www.bis.org/review/r130409c.pdf>; I. Goldstein & Y. Leitner, "Stress test disclosure: theory, practice, and new perspectives," Handbook of Financial Stress Testing 208–223 (2022); F. Bräuning & J. Fillat, *Stress Testing Effects on Portfolio Similarities Among Large US Banks*, Federal Reserve Bank of Boston Policy Perspectives, Paper 19–1 (2019), <https://www.bostonfed.org/-/media/Documents/Workingpapers/PDF/2019/cpp1901.pdf>.

retiring items and removing supporting documentation requirements that are no longer needed to conduct the supervisory stress test. Additionally, the Board is proposing to collect additional information to support the proposed supervisory stress test models.

The Board invites public comment on the following information collection:

(a) Whether the 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 the information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Proposal Under OMB Delegated Authority To Extend for Three Years, With Revision, the Following Information Collection

Collection title: Capital Assessments and Stress Testing Reports.

Collection identifier: FR Y–14A/Q/M.

OMB control number: 7100–0341.

General description of collection: This family of information collections is composed of the following three reports:

- The annual FR Y–14A collects quantitative projections of balance sheet, income, losses, and capital across a range of macroeconomic scenarios and qualitative information on methodologies used to develop internal projections of capital across scenarios.²⁶⁸

- The quarterly FR Y–14Q collects granular data on various asset classes, including loans, securities, trading assets, and pre-provision net revenue for the reporting period.

- The monthly FR Y–14M is comprised of three retail portfolio- and loan-level schedules, and one detailed address-matching schedule to supplement two of the portfolio- and loan-level schedules.

²⁶⁸ In certain circumstances, a firm may be required to re-submit its capital plan. See 12 CFR 225.8(e)(4); 12 CFR 238.170(e)(4). Firms that must re-submit their capital plan generally also must provide a revised FR Y–14A in connection with their resubmission.

The data collected through the FR Y-14A/Q/M provide the Board with the information needed to help ensure that large firms have strong, firm-wide risk measurement and management processes supporting their internal assessments of capital adequacy and that their capital resources are sufficient, given their business focus, activities, and resulting risk exposures. The data within the reports are used in connection with setting firms' stress capital buffer requirements. The data are also used to support other Board supervisory efforts aimed at enhancing the continued viability of large firms, including continuous monitoring of firms' planning and management of liquidity and funding resources, as well as regular assessments of credit risk, market risk, and operational risk, and associated risk management practices. Information gathered in this collection is also used in the supervision and regulation of respondent financial institutions. Respondent firms are currently required to complete and submit up to 17 filings each year: one annual FR Y-14A filing, four quarterly FR Y-14Q filings, and 12 monthly FR Y-14M filings.²⁶⁹ Compliance with the information collection is mandatory.

Current Actions: The proposal would modify the FR Y-14A/Q/M to remove supporting documentation requirements, schedules, and data items that are no longer needed to conduct the supervisory stress test. The proposal would also make other revisions necessary to facilitate the stress test modeling decisions. All proposed revisions would be effective for the September 30, 2026, report date.

Supporting Documentation

a. FR Y-14A

The FR Y-14A collects detailed data on firms' quantitative projections of assets, liabilities, income, losses, and capital across a range of macroeconomic scenarios. Firms are also required to provide qualitative information on the methodologies used to develop their projections and any other analysis that supports or contributes to these projections. This qualitative supporting documentation helps supervisors assess the accuracy and comprehensiveness of the projections included in firms' FR Y-14A submissions. This information was previously critical to assess the data systems and modeling methodologies that firms used to report the FR Y-14A.

However, as these systems and frameworks have matured, much of the supporting documentation has become outdated or is not needed by supervisors to make such assessments. To ensure that the FR Y-14A requirements do not capture information that is no longer needed and to reduce reporting burden, the Board is proposing to remove Appendix A "Supporting Documentation" from the FR Y-14A. However, supervisors may request similar information to what is currently required from Appendix A from firms through supervisory channels, as deemed appropriate and on a targeted basis, in support of the annual capital plan review. Firms would only be expected to provide information that supervisors request each cycle. The proposed removal of the FR Y-14A supporting documentation reporting requirement would not impact any other capital planning expectations.

b. FR Y-14Q

FR Y-14Q, Schedule L (Counterparty) collects data on firms' counterparty credit risk, including derivative and securities financing transaction exposures. Applicable firms are required to report two versions of Schedule L: an "unstressed" version under the actual economic conditions on the reported date, and a "stressed" version under the hypothetical stress scenarios used in the supervisory and company-run stress tests. To support firms' estimates of credit valuation adjustment and counterparty losses under the stress scenarios, the FR Y-14Q requires that firms provide detailed descriptions of the methodologies used to generate values for the "stressed" version. As for the FR Y-14A, this information was previously important in understanding firms' counterparty submissions but is no longer required for supervisors to assess Schedule L data. However, the Board has identified supporting information that is relevant to understanding a firm's estimated credit valuation adjustment and largest counterparty default losses. Therefore, to streamline Schedule L and reduce reporting burden, the Board is proposing replacing the existing Schedule L supporting documentation with this more limited set of questions. These questions would concern excluded counterparties, estimation assumptions, drivers of changes in credit valuation adjustment, and other related topics.

Similarly, qualitative information is needed to assess firms' trading mark-to-market projections under the global market shock. As a firm's projections are directly connected to the exposures

reported on FR Y-14Q, Schedule F (Trading), the Board is proposing to introduce supporting documentation for Schedule F that includes five questions related to a firm's trading projections and Schedule F submissions. Together with the Schedule L supporting documentation, this would ensure that supervisors have the necessary information to assess a firm's projections under the global market shock.

Home Equity Data Collection

FR Y-14M, Schedule B.1 (Home Equity Loan-Level Table) collects loan-level data on firms' HELOCs. These data are used in support of stress test modeling and monitoring of firms' home equity portfolios. The Board has identified several items on Schedule B.1 that are not needed to assess a home equity loan or HELOC's risk characteristics or are captured elsewhere on Schedule B.1. Therefore, to maintain appropriate risk coverage and reduce reporting burden, the Board is proposing to retire the following fields from Schedule B.1.

- Item 18 (Number of Units)
- Item 31 (ARM Periodic Rate Cap)
- Item 32 (ARM Periodic Rate Floor)
- Item 38 (Bankruptcy Flag)
- Item 48 (Foreclosure Referral Date)
- Item 51 (Pre-Payment Penalty Term)
- Item 58 (Interest Rate Frozen)
- Item 59 (Principal Deferred)
- Item 62 (First Mortgage Serviced in House)
- Item 72 (Term Modification)
- Item 73 (Principal Write-Down)
- Item 74 (Line Re-Age)
- Item 75 (Loan Extension)
- Item 86 (Accrual Status)
- Item 87 (Foreclosure Suspended)
- Item 88 (Property Valuation Method at Origination)
- Item 92 (Third Party Sale Flag)
- Item 107 (Entity Type)

Collection of Mailing Address Information

FR Y-14M, Schedule C (Address Matching) collects address information on each loan reported on FR Y-14M, Schedule A (First Lien) or Schedule B (Home Equity). This collection includes both property and mailing address data used in support of the supervisory stress test models. However, the Board has determined that the mailing address items are no longer needed for stress testing or supervisory purposes. Therefore, the Board is proposing to remove item 6 (Mailing Stress Address), item 7 (Mailing City), item 8 (Mailing State), and item 9 (Mailing Zip Code) from Schedule C.

²⁶⁹ Holding companies that do not meet the materiality thresholds described in the instructions for the FR Y-14M are not required to file that report. This results in some holding companies submitting fewer than 17 filings each year.

Unpaid Principal Balance

FR Y–14M, Schedule B.1 item 95 (Unpaid Principal Balance (Net)) collects information on the current net unpaid principal balance of a home equity line of credit. The instructions provide a definition for calculating net unpaid principal balance and note that this value should equal the book value on regulatory filings. However, reporting of unpaid principal balance can vary across regulatory reporting, including by considering loan premiums, which item 95 does not include. To address this inconsistency, the Board is proposing to remove this language from the instructions for item 95.

Private Equity

Beginning with the 2025 supervisory stress test, the Board calculated losses on private equity exposures under the macroeconomic scenario over a nine-quarter projection horizon as opposed to under the GMS, which would have considered the impact only in the first quarter of the projection horizon. As described in the Board's 2025 Supervisory Stress Test Methodology disclosure,²⁷⁰ the new treatment better aligns with the characteristics of private equity exposures, which are principally long-term investments that are managed as banking book positions. To better capture private equity data in a manner that aligns with this new treatment, the Board is proposing several revisions to FR Y–14Q, Schedule F (Trading).

First, the Board is proposing to move the fourth quarter as-of date for reported private equity exposures to December 31 of a given year, as opposed to the as-of date of the GMS. Schedule F is reported on a quarterly basis. However, to gather data necessary to subject firms to the GMS, firms are required to report Schedule F as of the GMS as-of date and not as of December 31 for the fourth quarter submission. Therefore, the Board is proposing to require private equity exposures to be reported as of December 31, as private equity exposures are no longer stressed under the GMS.

Second, the Board is proposing to revise Schedule F such that private equity carry values are reported net of embedded goodwill or investments in the capital of unconsolidated financial institutions that are deducted from common equity tier 1 capital. The Board's capital rule provides that certain amounts of goodwill and investments in the capital of

unconsolidated financial institutions be deducted from CET1 capital,²⁷¹ and the carry value of private equity exposures reported on Schedule F can be affected by these deducted amounts.

Firms subject to Category I through III standards are required to report these deduction items on FR Y–14A, Schedule A.1.d (Capital). To ensure that deductions are not double-counted when calculating trading and counterparty losses, firms may report an adjusted starting value for these items to reflect the impact of the global market shock. However, as currently reported, a portion of these amounts may be attributable to private equity. Therefore, the Board is proposing revising Schedule F to require firms to exclude the amounts attributable to private equity from the carry value. This revision would ensure that losses are not assigned to balances that have been deducted from capital when calculating private equity losses.

Third, the Board is proposing to require hedges on private equity exposures to be separately reported on Schedule F. Hedges on private equity exposures are currently reported on Schedule F but are not segmented from other hedges on trading exposures. Given that private equity exposures are no longer stressed as part of the GMS, the Board is proposing to require hedges on private equity exposures to be reported separately so that they can be considered as part of the macroeconomic scenario.

Lastly, the Board is proposing to implement a new materiality threshold for the reporting of Schedule F.24 (Private Equity). Currently, Schedule F.24 is reported only by firms subject to Category I through III standards with substantial trading operations, which is defined as having, on average for four quarters, aggregate trading assets and liabilities of \$50 billion or more, or aggregate trading assets and liabilities equal to 10 percent or more of total consolidated assets. However, private equity exposures are primarily banking book positions for which the FR Y–14 uses a separate reporting threshold. For firms subject to Category IV standards, material portfolios for banking book positions are defined as those with asset balances greater than \$5 billion or with asset balances greater than ten percent of tier 1 capital on average for the four quarters preceding the reporting period. For firms subject to Category I through III standards, material portfolios for banking book positions are defined as those with asset balances greater than \$5 billion or asset balances greater than

five percent of tier 1 capital on average for the four quarters preceding the reporting period.

To align the materiality threshold for private equity with other banking book schedules, the Board is proposing to revise the FR Y–14Q instructions to apply the materiality threshold to Schedule F.24 that is currently applied to the banking book schedules. Additionally, since a firm subject to Category IV standards could have its private equity losses contribute to its supervisory stress test results, the Board also proposes to require a firm subject to Category IV standards to submit Schedule F.24 if it meets the proposed materiality threshold. Similarly, consistent with reporting expectations for other banking book positions, the Board is proposing to update FR Y–14Q, Schedule K (Supplemental) such that firms report the carrying value of funded and unfunded private equity exposures that do not meet the materiality threshold for Schedule F.24 reporting. These revisions would ensure consistent reporting and treatment of private equity in the supervisory stress test.

Additionally, the Board is proposing a revision to FR Y–14A, Schedule A.4 (Trading) which captures trading profit and loss projections under the global market shock. As private equity shocks are no longer included in the global market shock, items related to private equity are no longer needed to capture trading profit and loss projections. Therefore, the Board is proposing to remove item 15 (“Private Equity”), item 15A (“Private Equity: Funded”), item 15B (“Private Equity: Unfunded”), item 15C (“Private Equity: Other”) from Schedule A.4.

Other Hedges

Currently, the FR Y–14Q captures certain types of hedges, including hedges on accrual loans and loans held under the fair value option and certain designated accounting hedges on securities, but is not comprehensive, which limits the ability of the supervisory stress test to account for these positions. For example, FR Y–14Q, Schedule B (Securities) does not provide sufficient information to independently revalue the hedging instrument. Additionally, interest rate risk hedges that are used to mitigate risk on instruments other than securities from changes in interest rates are not captured by the FR Y–14Q. Schedule B was designed to capture basic information on traditional hedges on securities and does not consistently and comprehensively capture portfolio layer

²⁷⁰ See Board, *2025 Stress Test Scenarios* (Feb. 2025), <https://www.federalreserve.gov/publications/files/2025-stress-test-scenarios-20250205.pdf>.

²⁷¹ See 12 CFR 217.22.

method or interest rate risk hedges for valuation purposes.

Separately, fair value option hedges are positions that are used to hedge loan assets that are held-for-sale or held under fair value option accounting, and do not meet the definition of trading assets or liabilities. This includes synthetic securitizations, a form of loss mitigation in which a firm partially transfers credit risk on specific portfolios to outside investors through credit derivatives or guarantees. Fair value option hedges are currently reported as a separate instance of Schedule F. However, Schedule F is subject to a materiality threshold, so fair value option hedges are not reported comprehensively by all relevant firms on the FR Y-14Q.

To improve the risk capture of the supervisory stress test by incorporating the effects of additional hedges, the Board is proposing to revise FR Y-14Q, Schedule B.2 (Investment Securities with Designated Accounting Hedges) to capture all qualified accounting hedges, including portfolio layer method and all designated accounting hedges. Additionally, the Board is proposing to implement FR Y-14Q, Schedule B.3 to more comprehensively map hedging relationships. Similarly, the Board is proposing to revise Schedule F to capture data on hedges from any firms with reportable hedges.

Question 53: Would the new fields proposed in FR Y-14Q, Schedule B.2 or B.3 prove burdensome to report for firms?

Question 54: Do the new fields proposed in FR Y-14Q, Schedule B.2 provide sufficient information to independently model the value of the hedging instrument?

Question 55: Should changes be made to the fields or definitions proposed in FR Y-14Q, Schedule B.2 to better account for more esoteric derivatives such as swaptions, cap, or floors?

Exchange Traded Funds

Exchange traded funds (ETFs) are investment funds comprised of exposures to multiple underlying assets, such as commodities, equities, or currencies. Currently, Schedule F instructs firms to decompose certain ETF exposures based on the fund's underlying assets. However, the instructions also provide that all other ETFs should be reported in the equity worksheets. This ambiguity may lead to classifying non-equity ETFs in the equity worksheets.

All ETFs should be reported based on the underlying asset holdings and associated risk factors. For example, ETFs for which rates or credit exposures

are the underlying holdings should be reported on the corresponding worksheet. To provide clarity and ensure consistent reporting, the Board is proposing to clarify the Schedule F instructions such that all ETFs are reported in the worksheet that corresponds to the underlying asset class and risk exposures.

Credit Card Revenue and Loss Share Agreements

Revenue and loss sharing agreements (RLSAs) are partnership agreements firms have with private entities to share a portion of profits, revenues, and/or losses generated by a specified asset. As discussed in the Credit Cards Model description, the Board accounts for private RLSAs when projecting credit card losses in the supervisory stress test. Currently, the Board's adjustment accounts for a specific case where a firm accounts for loss sharing payments by reducing provisions. However, as agreement terms and reporting practices vary, the current adjustment may not fully or consistently address differential RLSA treatment across firms. Therefore, the Board is considering additional enhancements to the current RLSA adjustment to more comprehensively capture RLSAs in the supervisory stress test. Specifically, the Board is considering one modeling approach that would account for RLSAs at the portfolio level and a second that would account for RLSAs at the agreement level. To facilitate the portfolio level enhancement, the Board is proposing to collect portfolio level details on FR Y-14M, Schedule D (Credit Card) of individual revenue components (e.g., interest income, interest expense, noninterest income, and noninterest expense), charge-offs and recoveries, and provision build. Additionally, the amount of each that is subject to partner sharing agreements and where the partner shares portions of each are reported on the FR Y-9C, as well as the shared amounts of net profit, net revenue, and net charge offs. To facilitate the agreement level enhancement, the Board is proposing to collect the same information at the agreement level, as well as effective share rates and contractual share rates of the individual revenue, loss, and provision components. For both approaches, the Board is proposing to expand Schedule D.1, item 70 ("Loss Sharing") to collect information on the type of RLSA. If either the portfolio level or agreement level enhancement is adopted, the Board would only adopt the corresponding FR Y-14 revisions. If the Board does not adopt either enhancement to the RLSA adjustment,

then neither set of revisions would be implemented. If either RLSA modeling enhancement is adopted, the corresponding FR Y-14 revision would represent an increase in estimated FR Y-14 burden hours of approximately 2,500 hours if adopted.

Stress Test Date Changes

a. FR Y-14A Jump-Off Date

The FR Y-14A collects data on firms' projections of balance sheet asset and liabilities, income, losses, and capital across a range of hypothetical scenarios. These projections span a nine-quarter horizon beginning with the first quarter of the year in which the report is filed. This means that the jump-off date for the FR Y-14A is December 31 of the previous year, consistent with the supervisory stress test. However, as discussed in Section VI.A of this Supplementary Information, the Board is proposing to shift the jump-off date of the stress test to September 30 so that the scenarios are released for comment after the finalization of firms' balance sheets.

Consistent with this proposed jump-off date change, the Board is proposing to modify the FR Y-14A to use a September 30 jump-off date. These revisions would include updating the instructions to note that the projection horizon begins in the fourth quarter of the year preceding the reporting year, and noting that firms should report actual capital actions in the first and second quarters of the projection horizon, as they occur before the due date. The FR Y-14A and capital plans would still be due April 5.

b. Global Market Shock as-of Date Submissions

As discussed in Section VI.B of this Supplementary Information, the Board is proposing to expand the as-of date range for the global market shock to be between October 1 of two years prior to a given stress test cycle to October 1 of the year prior to a given stress test cycle. To facilitate this proposed change, the Board is proposing several changes to the FR Y-14A and FR Y-14Q.

On the FR Y-14A, the Board is proposing to update Schedule A.4 (Trading) and Schedule A.5 (Counterparty) such that the as-of date for these schedules may fall between October 1 of two years prior to a given stress test cycle to October 1 of the year prior to a given stress test cycle. These schedules would still be due on April 5 of the following year.

Currently, the fourth quarter submissions of FR Y-14Q, Schedule F (Trading) and Schedule L (Counterparty) are submitted as of the global market shock as-of date instead of quarter end. However, under the proposal, the as-of date for the global market shock could fall in a quarter other than the fourth quarter. Therefore, Board is proposing to modify the submission cadence for Schedule F (Trading) and Schedule L (Counterparty) such that, for whichever quarter contains the global market shock as-of date, Schedule F and Schedule L would be submitted as of that date, as opposed to quarter end. Submissions for all other quarters would be submitted as-of quarter end.

Question 56: What, if any, other FR Y-14 revisions are needed to facilitate the proposed changes to the stress test jump-off date and global market shock as-of date?

Frequency: Annually, quarterly, and monthly.

Respondents: Holding companies with \$100 billion or more in total consolidated assets, as based on (1) the average of the firm's total consolidated assets in the four most recent quarters as reported quarterly on the firm's Consolidated Financial Statements for Holding Companies (FR Y-9C; OMB No. 7100-0128) or (2) the average of the firm's total consolidated assets in the most recent consecutive quarters as reported quarterly on the firm's FR Y-9Cs, if the firm has not filed an FR Y-9C for each of the most recent four quarters.

Total estimated number of respondents: 35.

Estimated change in burden:

- FR Y-14A: - 4,235 hours.
- FR Y-14Q: - 700 hours.
- FR Y-14M: +792 hours.
- *Total estimated change in burden:*

- 4,143.

Total estimated annual burden hours: 757,696.

B. Regulatory Flexibility Act Analysis

The Board is providing an initial regulatory flexibility analysis with respect to this proposed rule. The Regulatory Flexibility Act (RFA)²⁷² requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities.²⁷³

In connection with a proposed rule, the RFA requires an agency to prepare and invite public comment on an initial regulatory flexibility analysis describing the impact of the rule on small entities, unless the agency certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. An initial regulatory flexibility analysis must contain (1) a description of the reasons why action by the agency is being considered; (2) a succinct statement of the objectives of, and legal basis for, the proposed rule; (3) a description of, and, where feasible, an estimate of the number of small entities to which the proposed rule will apply; (4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; (5) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap with, or conflict with the proposed rule; and (6) a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and minimize any significant economic impact of the proposed rule on small entities.

The Board has considered the potential impact of the proposed rule on small entities in accordance with the RFA. Based on its analysis and for the reasons stated below, the Board believes that this proposed rule will not have a significant economic impact on a substantial number of small entities. Nevertheless, the Board is publishing and inviting comment on this initial regulatory flexibility analysis. In connection with this proposal, the Board also proposes to make changes to the Board's reporting forms.

As discussed in detail above, under the proposal, the Board is inviting public comment on the models used to conduct the Board's supervisory stress test, changes to those models to be implemented in the 2026 stress test, and proposed changes to enhance the transparency and public accountability of the Board's stress testing framework. The proposal would amend the Policy Statement on the Scenario Design

Framework for Stress Testing, including to implement guides for additional scenario variables, and the Stress Testing Policy Statement. The proposal would also codify an enhanced disclosure process under which the Board would annually publish comprehensive documentation on the stress test models, invite public comment on any material changes that the Board seeks to make to those models, and annually publish the stress test scenarios for comment. Lastly, the proposal would make changes to the FR Y-14A/Q/M to remove items that are no longer needed to conduct the supervisory stress test and to collect additional data to support the stress test models and improve risk capture.

As discussed above, several statutory authorities, including the International Lending Supervision Act of 1983,²⁷⁴ section 5(b) of the Bank Holding Company Act,²⁷⁵ the International Banking Act,²⁷⁶ section 10(g) of the Home Owners' Loan Act,²⁷⁷ and section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act)²⁷⁸ (as amended by section 401 of the Economic Growth, Regulatory Relief, and Consumer Protection Act²⁷⁹), provide authority for the Board's stress testing and stress capital buffer framework, including this proposed rule.

The International Lending Supervision Act of 1983 provides the Board with broad discretionary authority to set minimum capital levels for state member banks and affiliates of insured depository institutions, including holding companies, supervised by the Board.²⁸⁰ Under section 5(b) of the Bank Holding Company Act, the Board may issue such regulations and orders relating to capital requirements of bank holding companies as may be necessary for the Board to carry out the purposes of the Bank Holding Company Act.²⁸¹ Foreign banking organizations with a U.S. subsidiary bank, branch, or agency are made subject by the International Banking Act to the provisions of the Bank Holding Company Act in the same manner as bank holding companies;²⁸² therefore, the Board is also authorized under section 5(b) of the Bank Holding Company Act to impose these

²⁷⁴ See 12 U.S.C. 3902(1); 3907(a); 3909(a).

²⁷⁵ 12 U.S.C. 1844(b).

²⁷⁶ See 12 U.S.C. 3106.

²⁷⁷ See 12 U.S.C. 1467a(g)(1).

²⁷⁸ Dodd-Frank Act, *supra* note 2.

²⁷⁹ Economic Growth, Regulatory Relief, and Consumer Protection Act, *supra* note 3.

²⁸⁰ See 12 U.S.C. 3902(1); 3907(a); 3909(a).

²⁸¹ 12 U.S.C. 1844(b).

²⁸² See 12 U.S.C. 3106.

²⁷² 5 U.S.C. 601 *et seq.*

²⁷³ Under regulations issued by the U.S. Small Business Administration (SBA), a small entity includes a depository institution, bank holding company, or savings and loan holding company with total assets of \$850 million or less. 13 CFR 121.201. Consistent with the SBA's General Principles of Affiliation, the Board includes the

assets of all domestic and foreign affiliates toward the applicable size threshold when determining whether to classify a particular entity as a small entity. 13 CFR 121.103. As of December 31, 2024, there were approximately 2,364 small bank holding companies, approximately 85 small savings and loan holding companies, and approximately 451 small state member banks.

requirements on those foreign banking organizations.

Similarly, with regard to savings and loan holding companies, section 10(g) of the Home Owners' Loan Act authorizes the Board to issue such regulations and orders relating to capital requirements as the Board deems necessary and appropriate to carry out the purposes of the Home Owners' Loan Act.²⁸³ Moreover, section 165 of the Dodd-Frank Act, as amended by section 401 of the Economic Growth, Regulatory Relief, and Consumer Protection Act, requires the Board to establish risk-based capital requirements for large bank holding companies and nonbank financial companies supervised by the Board.²⁸⁴ Additionally, section 165(i)(1) of the Dodd-Frank Act, as amended by section 401 of the Economic Growth, Regulatory Relief, and Consumer Protection Act, requires the Board to conduct an annual supervisory stress test of these large firms.²⁸⁵

The proposed rule would apply to bank holding companies, U.S. intermediate holding companies of foreign banking organizations, and savings and loan holding companies, each with at least \$100 billion in total consolidated assets, as well as state member banks with more than \$250 billion in total consolidated assets, certain nonbank financial companies supervised by the Board, and any other bank holding company or covered savings and loan holding company domiciled in the United States that is made subject to the capital plan rule by order of the Board.²⁸⁶ The proposed rule would not apply to any small entities. Further, although the Board does not project there to be a direct impact to reporting, recordkeeping, or other compliance requirements as a result of the proposed rule, the Board also is proposing to revise the FR Y-14A/Q/M (Capital Assessments and Stress Testing) reports to remove items that are no longer needed to conduct the supervisory stress test and to collect data that would improve the calculation of the stress capital buffer requirement. These reports are submitted by firms subject to the Board's capital plan rule requirements; thus, the changes would not impact small entities. In addition, the Board is aware of no other Federal rules that duplicate, overlap, or conflict with the proposed changes to the capital and stress testing rules. Accordingly, the

Board believes that the proposed rule will not have a significant economic impact on a substantial number of small banking organizations supervised by the Board and, therefore, believes that there are no significant alternatives to the proposed rule that would reduce the economic impact on small banking organizations supervised by the Board.

The Board welcomes comment on all aspects of its analysis.

C. Plain Language

Section 722 of the Gramm-Leach-Bliley Act (Pub. L. 106–102, 113 Stat. 1338, 1471, 12 U.S.C. 4809) requires the federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The Board has sought to present the notice of proposed rulemaking in a simple and straightforward manner and invites comment on the use of plain language. For example:

- *Is the material organized to suit your needs? If not, how could the Board present the proposed rule more clearly?*
- *Are the requirements in the proposed rule clearly stated? If not, how could the proposed rule be more clearly stated?*
- *Does the proposal contain technical language or jargon that is not clear? If so, which language requires clarification?*
- *Would a different format (grouping and order of sections, use of headings, paragraphing) make the proposed rule easier to understand? If so, what changes would achieve that?*
- *Is this section format adequate? If not, which of the sections should be changed and how?*
- *What other changes can the Board incorporate to make the proposed rule easier to understand?*

D. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (12 U.S.C. 553(b)(4)) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of the proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note).

The proposal and such a summary can be found at <https://www.regulations.gov> and <https://www.federalreserve.gov/supervisionreg/reglisting.htm>.

List of Subjects

12 CFR Part 225

Administrative practice and procedure, Banks, Banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

12 CFR Part 238

Administrative practice and procedure, Banks, Banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

12 CFR Part 252

Administrative practice and procedure, Banks, Banking, Capital planning, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities, Stress testing.

Authority and Issuance

For the reasons stated in the preamble, the Board of Governors of the Federal Reserve System proposes to amend 12 CFR chapter II as follows:

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

- 1. The authority citation for part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1828(o), 1831i, 1831p–1, 1843(c)(8), 1844(b), 1972(1), 3106, 3108, 3310, 3331–3351, 3906, 3907, and 3909; 15 U.S.C. 1681s, 1681w, 6801 and 6805.

Subpart A—General Provisions

- 2. In § 225.8:
- a. Revise paragraph (d)(16).
 - b. Remove the text “final,” and add in its place the text “third,” in subparagraph (f)(2)(i)(A).
 - c. In paragraphs (f)(2)(i)(C)(1), (f)(4), (h)(2)(ii)(A), (h)(2)(ii)(A)(1), (h)(2)(ii)(A)(2), (h)(2)(ii)(B), (h)(2)(ii)(B)(1), and (h)(2)(ii)(B)(2), remove the text “fourth through seventh”, wherever it appears and add in its place the text “fifth through eighth”.
 - d. In paragraph (k)(2), remove the text “fourth” and replace with the text “fifth.”

The revisions read as follows:

§ 225.8 Capital Planning and stress capital buffer requirement.

* * * * *

(d) * * *

(16) *Planning horizon* means the period of at least nine consecutive quarters, beginning with the quarter two quarters preceding the quarter in which

²⁸³ See 12 U.S.C. 1467a(g)(1).

²⁸⁴ See 12 U.S.C. 5365(b)(1)(A)(i).

²⁸⁵ See 12 U.S.C. 5365(i)(1).

²⁸⁶ There currently are no entities with less than \$100 billion in total consolidated assets subject to the capital plan rule or to the stress test rules.

the bank holding company submits its capital plan, over which the relevant projections extend.

* * * * *

(f) * * *

(2) * * *

(i) * * *

(A) The ratio of a bank holding company's common equity tier 1 capital to risk-weighted assets, as calculated under 12 CFR part 217, subpart D, as of the third quarter of the previous capital plan cycle, unless otherwise determined by the Board; minus

* * * * *

(C) * * *

(1) The sum of the bank holding company's planned common stock dividends (expressed as a dollar amount) for each of the fifth through eighth quarters of the planning horizon

* * * * *

(4) *Adjustment of stress capital buffer requirement.* In each calendar year in which the Board does not calculate a Category IV bank holding company's stress capital buffer requirement pursuant to paragraph (f)(1) of this section, the Board will adjust the Category IV bank holding company's stress capital buffer requirement to be equal to the result of the calculation set forth in paragraph (f)(2) of this section, using the same values that were used to calculate the stress capital buffer requirement most recently provided to the bank holding company, except that the value used in paragraph (f)(2)(i)(C)(1) of this section will be equal to the bank holding company's planned common stock dividends (expressed as a dollar amount) for each of the fifth through eighth quarters of the planning horizon as set forth in the capital plan submitted by the bank holding company in the calendar year in which the Board adjusts the bank holding company's stress capital buffer requirement.

* * * * *

(h) * * *

(2) * * *

(ii) * * *

(A) Determine whether the planned capital distributions for the fifth through eighth quarters of the planning horizon under the Internal baseline scenario would be consistent with effective capital distribution limitations assuming the stress capital buffer requirement provided by the Board under paragraph (h)(1) or (i)(5) of this section, as applicable, in place of any stress capital buffer requirement in effect; and

(1) If the planned capital distributions for the fifth through eighth quarters of the planning horizon under the Internal

baseline scenario would not be consistent with effective capital distribution limitations assuming the stress capital buffer requirement provided by the Board under paragraph (h)(1) or (i)(5) of this section, as applicable, in place of any stress capital buffer requirement in effect, the bank holding company must adjust its planned capital distributions such that its planned capital distributions would be consistent with effective capital distribution limitations assuming the stress capital buffer requirement provided by the Board under paragraph (h)(1) or (i)(5) of this section, as applicable, in place of any stress capital buffer requirement in effect; or

(2) If the planned capital distributions for the fifth through eighth quarters of the planning horizon under the Internal baseline scenario would be consistent with effective capital distribution limitations assuming the stress capital buffer requirement provided by the Board under paragraph (h)(1) or (i)(5) of this section, as applicable, in place of any stress capital buffer requirement in effect, the bank holding company may adjust its planned capital distributions. A bank holding company may not adjust its planned capital distributions to be inconsistent with the effective capital distribution limitations assuming the stress capital buffer requirement provided by the Board under paragraph (h)(1) or (i)(5) of this section, as applicable; and

(B) Notify the Board of any adjustments made to planned capital distributions for the fifth through eighth quarters of the planning horizon under the Internal baseline scenario.

* * * * *

(k) * * *

(2) The dollar amount of the capital distribution will exceed the dollar amount of the bank holding company's final planned capital distributions, as measured on an aggregate basis beginning in the fifth quarter of the planning horizon through the quarter at issue.

* * * * *

PART 238—SAVINGS AND LOAN HOLDING COMPANIES (REGULATION LL)

■ 3. The authority citation for part 238 continues to read as follows:

Authority: 5 U.S.C. 552, 559; 12 U.S.C. 1462, 1462a, 1463, 1464, 1467, 1467a, 1468, 5365; 1813, 1817, 1829e, 1831i, 1972; 15 U.S.C. 78l.

Subpart O—Supervisory Stress Test Requirements for Covered Savings and Loan Holding Companies

■ 4. In § 238.130:

■ a. Add definitions of *Material model change*, *Model change*, and *Models*.

■ b. Revise definition of *Planning horizon*.

■ 5. In § 238.132:

■ a. Revise paragraph (b).

■ b. Add subsection (e).

The revisions read as follows:

§ 238.130 Definitions.

* * * * *

Material model change means a model change that could have, in the Board's estimation, an impact on the post-stress CET1 regulatory capital ratio of any covered company, or on the average post-stress CET1 capital ratios of all covered companies required to participate in the upcoming stress test cycle, including covered companies under 12 CFR part 252, subpart E, based on the prior year's severely adverse scenario and prior year's input data, equal to (i) a change of 20 basis points or more in the projected CET1 ratio of any such covered company; or (ii) a change of 10 basis points or more in the average of the absolute change to the values of the projected CET1 ratios of such covered companies.

Model change means the introduction of a new model or a conceptual change to an existing model.

Models means the analytical techniques that the Board determines are appropriate for use in the supervisory stress test.

* * * * *

Planning horizon means the period of at least nine consecutive quarters, beginning with the quarter prior to the start of the stress test cycle, over which the relevant projections extend.

* * * * *

§ 238.132 Analysis conducted by the Board.

* * * * *

(b) Economic and financial scenarios related to the Board's analysis. The Board will conduct its analysis using a minimum of two different scenarios, including a baseline scenario and a severely adverse scenario. The Board will disclose proposed scenarios by October 15 of the calendar year one year prior to the year in which the stress test is performed, and will provide for at least a 30-day period for public input. The Board will notify covered companies of the final scenarios that the Board will apply to conduct the analysis for each stress test cycle to which the covered company is subject by no later

than February 15 of that year, except with respect to trading components of the scenarios and any additional scenarios that the Board will apply to conduct the analysis, which will be communicated by no later than March 1 of that year. The data used in such trading components of the scenarios must be as of a date selected by the Board that is no earlier than October 1 of the calendar year two years prior to the year in which the stress test is performed and that precedes October 1 of the calendar year one year prior to the year in which the stress test is performed. Unless otherwise determined by the Board, the as-of date for such trading or other components of the scenarios will be communicated by the Board by October 15 of the calendar year prior to the year in which the stress test is performed.

* * * * *

(e) *Disclosure of models and material model changes*—

(1) *Annual disclosure.* The Board will publicly disclose the models that the Board used to conduct the analysis for the stress test by May 15 of the calendar year in which the stress test was performed pursuant to § 238.132.

(2) *Material model changes from previous stress test cycle.* The Board will disclose and invite public input on any material model changes before implementing them in the stress test.

(3) *Response to public input on material model changes.* The Board will consider and respond to substantive public input on any material model changes before implementing such material model changes in the stress test.

* * * * *

Subpart P—Company-Run Stress Test Requirements for Savings and Loan Holding Companies

■ 7. In § 238.141:

■ a. Revise the definition of *Planning horizon*.

■ 8. In § 238.143:

■ a. Revise subparagraph (b)(2)(i).

■ b. Revise subparagraph (b)(4)(i).

The revisions read as follows:

§ 238.141 Definitions.

* * * * *

Planning horizon means the period of at least nine consecutive quarters, beginning with the quarter prior to the start of the stress test cycle, over which the relevant projections extend.

* * * * *

§ 238.143 Stress test.

* * * * *

(b) * * *

(2) * * *

(i) The Board may require a covered company with significant trading activity, as determined by the Board and specified in the Capital Assessments and Stress Testing report (FR Y–14), to include a trading and counterparty component in its severely adverse scenario in the stress test required by this section. The data used in this component must be as of a date that is no earlier than October 1 of the calendar year two years prior to the year in which the stress test is performed and that precedes October 1 of the calendar year one year prior to the year in which the stress test is performed pursuant to this section. Unless otherwise determined by the Board, the as-of date of such component will be communicated to the company by October 15 of the calendar year one year prior to the year in which the stress test is performed and a final description of the component will be communicated to the company by no later than March 1 of the calendar year in which the stress test is performed pursuant to this section.

* * * * *

(4) * * *

(i) *Notification of additional component.* If the Board requires a covered company to include one or more additional components in its severely adverse scenario under paragraph (b)(2) of this section or to use one or more additional scenarios under paragraph (b)(3) of this section, the Board will notify the company in writing and include a discussion of the basis for its determination. The Board will provide such notification no later than September 30 of the preceding calendar year. The notification will include a general description of the additional component(s) or additional scenario(s) and the basis for requiring the company to include the additional component(s) or additional scenario(s).

* * * * *

Subpart S—Capital Planning and Stress Capital Buffer Requirement

■ 9. In § 238.170:

■ a. Revise paragraph (d)(14).

b. Remove the text “final,” and add in its place the text “third,” in subparagraph (f)(2)(i)(A).

■ c. In paragraphs (f)(2)(i)(C)(1), (f)(4), (h)(2)(ii)(A), (h)(2)(ii)(A)(1), (h)(2)(ii)(A)(2), (h)(2)(ii)(B), (h)(2)(ii)(B)(1), and (h)(2)(ii)(B)(2), remove the text “fourth through seventh”, wherever it appears and add in its place the text “fifth through eighth”.

■ d. In paragraph (k)(2), remove the text “fourth” and replace with the text “fifth.”

The revisions read as follows:

* * * * *

(d) * * *

(14) *Planning horizon* means the period of at least nine consecutive quarters, beginning with the quarter two quarters preceding the quarter in which the covered savings and loan holding company submits its capital plan, over which the relevant projections extend.

* * * * *

(f) * * *

(2) * * *

(i) * * *

(A) The ratio of a covered savings and loan holding company’s common equity tier 1 capital to risk-weighted assets, as calculated under 12 CFR part 217, subpart D, as of the third quarter of the previous capital plan cycle, unless otherwise determined by the Board; minus

* * * * *

(C) * * *

(1) The sum of the covered savings and loan holding company’s planned common stock dividends (expressed as a dollar amount) for each of the fifth through eighth quarters of the planning horizon; to

* * * * *

(4) *Adjustment of stress capital buffer requirement.* In each calendar year in which the Board does not calculate a Category IV savings and loan holding company’s stress capital buffer requirement pursuant to paragraph (f)(1) of this section, the Board will adjust the Category IV savings and loan holding company’s stress capital buffer requirement to be equal to the result of the calculation set forth in paragraph (f)(2) of this section, using the same values that were used to calculate the stress capital buffer requirement most recently provided to the covered savings and loan holding company, except that the value used in paragraph (f)(2)(i)(C)(1) of the calculation will be equal to the covered savings and loan holding company’s planned common stock dividends (expressed as a dollar amount) for each of the fifth through eighth quarters of the planning horizon as set forth in the capital plan submitted by the covered savings and loan holding company in the calendar year in which the Board adjusts the covered savings and loan holding company’s stress capital buffer requirement.

* * * * *

(h) * * *

(2) * * *

(ii) * * *

(A) Determine whether the planned capital distributions for the fifth through eighth quarters of the planning horizon under the Internal baseline scenario would be consistent with effective capital distribution limitations assuming the stress capital buffer requirement provided by the Board under paragraph (h)(1) or (i)(5) of this section, as applicable, in place of any stress capital buffer requirement in effect; and

(1) If the planned capital distributions for the fifth through eighth quarters of the planning horizon under the Internal baseline scenario would not be consistent with effective capital distribution limitations assuming the stress capital buffer requirement provided by the Board under paragraph (h)(1) or (i)(5) of this section, as applicable, in place of any stress capital buffer requirement in effect, the covered savings and loan holding company must adjust its planned capital distributions such that its planned capital distributions would be consistent with effective capital distribution limitations assuming the stress capital buffer requirement provided by the Board under paragraph (h)(1) or (i)(5) of this section, as applicable, in place of any stress capital buffer requirement in effect; or

(2) If the planned capital distributions for the fifth through eighth quarters of the planning horizon under the Internal baseline scenario would be consistent with effective capital distribution limitations assuming the stress capital buffer requirement provided by the Board under paragraph (h)(1) or (i)(5) of this section, as applicable, in place of any stress capital buffer requirement in effect, the covered savings and loan holding company may adjust its planned capital distributions. A covered savings and loan holding company may not adjust its planned capital distributions to be inconsistent with the effective capital distribution limitations assuming the stress capital buffer requirement provided by the Board under paragraph (h)(1) or (i)(5) of this section, as applicable; and

(B) Notify the Board of any adjustments made to planned capital distributions for the fifth through eighth quarters of the planning horizon under the Internal baseline scenario.

* * * * *

(k) * * *

(2) The dollar amount of the capital distribution will exceed the dollar amount of the covered savings and loan holding company's final planned capital distributions, as measured on an aggregate basis beginning in the fifth

quarter of the planning horizon through the quarter at issue.

* * * * *

PART 252—ENHANCED PRUDENTIAL STANDARDS (REGULATION YY)

■ 10. The authority citation for part 252 continues to read as follows:

Authority: 12 U.S.C. 321–338a, 481–486, 1467a, 1818, 1828, 1831n, 1831o, 1831p–1, 1831w, 1835, 1844(b), 1844(c), 3101 *et seq.*, 3101 note, 3904, 3906–3909, 4808, 5361, 5362, 5365, 5366, 5367, 5368, 5371.

Subpart B—Company-Run Stress Test Requirements for State Member Banks With Total Consolidated Assets Over \$250 Billion

■ 11. In § 252.12:

■ a. Revise the definition of *Planning Horizon*.

■ 12. In § 252.14:

■ a. Revise subparagraph (b)(2)(i).

■ b. Revise subparagraph (b)(4)(i).

The revisions read as follows:

§ 252.12 Definitions.

* * * * *

Planning horizon means the period of at least nine consecutive quarters, beginning with the quarter prior to the start of the stress test cycle, over which the relevant projections extend.

* * * * *

§ 252.14 Stress test.

* * * * *

(b) * * *

(2) * * *

(i) The Board may require a state member bank with significant trading activity, as determined by the Board and specified in the Capital Assessments and Stress Testing report (FR Y–14), to include a trading and counterparty component in its severely adverse scenario in the stress test required by this section. The Board may also require a state member bank that is subject to 12 CFR part 217, subpart F or that is a subsidiary of a bank holding company that is subject to section § 252.54(b)(2)(i) to include a trading and counterparty component in the state member bank's severely adverse scenario in the stress test required by this section. The data used in this component must be as of a date that is no earlier than October 1 of the calendar year two years prior to the year in which the stress test is performed and that precedes October 1 of the calendar year one year prior to the year in which the stress test is performed. Unless otherwise determined by the Board, the as-of date for such component will be communicated to the company by October 15 of the calendar year one year

prior to the year in which the stress test is performed and a final description of the component will be communicated to the company by no later than March 1 of the calendar year in which the stress test is performed pursuant to this section.

* * * * *

(4) * * *

(i) *Notification of additional component or scenario.* If the Board requires a state member bank to include one or more additional components in its severely adverse scenario under paragraph (b)(2) of this section or to use one or more additional scenarios under paragraph (b)(3) of this section, the Board will notify the company in writing by September 30 of the preceding calendar year and include a discussion of the basis for its determination.

* * * * *

Subpart E—Supervisory Stress Test Requirements for Certain U.S. Banking Organizations With \$100 Billion or More in Total Consolidated Assets and Nonbank Financial Companies Supervised by the Board

■ 13. In § 252.42:

■ a. Add definitions of *Material model change*, *Model change*, and *Models*.

■ b. Revise the definition of *Planning Horizon*.

■ 14. In § 252.44:

■ a. Revise paragraph (b).

■ b. Add subsection (e).

The revisions read as follows:

§ 252.42 Definitions.

* * * * *

Material model change means a model change that could have, in the Board's estimation, an impact on the post-stress CET1 regulatory capital ratio of any covered company, or on the average post-stress CET1 capital ratios of all covered companies required to participate in the upcoming stress test cycle, including covered companies under 12 CFR part 238, subpart O, based on the prior year's severely adverse scenario and prior year's input data, equal to (i) a change of 20 basis points or more in the projected CET1 ratio of any such covered company; or (ii) a change of 10 basis points or more in the average of the absolute change to the values of the projected CET1 ratios of such covered companies.

Model change means the introduction of a new model or a conceptual change to an existing model.

Models means the analytical techniques that the Board determines

are appropriate for use in the supervisory stress test.

* * * * *

Planning horizon means the period of at least nine consecutive quarters, beginning with the quarter prior to the start of the stress test cycle, over which the relevant projections extend.

* * * * *

§ 252.44 Analysis conducted by the Board.

* * * * *

(b) *Economic and financial scenarios related to the Board's analysis.* The Board will conduct its analysis using a minimum of two different scenarios, including a baseline scenario and a severely adverse scenario. The Board will disclose proposed scenarios by October 15 of the calendar year one year prior to the year in which the stress test is performed, and will provide for at least a 30-day period for public input. The Board will notify covered companies of the final scenarios that the Board will apply to conduct the analysis for each stress test cycle to which the covered company is subject by no later than February 15 of that year, except with respect to trading or any other components of the scenarios and any additional scenarios that the Board will apply to conduct the analysis, which will be communicated by no later than March 1 of that year. The data used in such trading or other components of the scenarios must be as-of a date selected by the Board that is no earlier than October 1 of the calendar year two years prior to the year in which the stress test is performed and that precedes October 1 of the calendar year one year prior to the year in which the stress test is performed. Unless otherwise determined by the Board, the as-of date for such trading or other components of the scenarios will be communicated by the Board by October 15 of the calendar year prior to the year in which the stress test is performed.

* * * * *

(e) *Disclosure of models and material model changes—*

(1) *Annual disclosure.* The Board will publicly disclose the models that the Board used to conduct the analysis for the stress test by May 15 of the calendar year in which the stress test was conducted pursuant to § 252.44.

(2) *Material model changes from previous stress test cycle.* The Board will disclose and invite public input on any material model changes before implementing such material model changes in the stress test.

(3) *Response to public input on material model changes.* The Board will consider and respond to substantive

public input on any material model changes before implementing such material model changes in the stress test.

* * * * *

Subpart F—Company-Run Stress Test Requirements for Certain U.S. Bank Holding Companies and Nonbank Financial Companies Supervised by the Board

■ 16. In § 252.52:

■ a. Revise the definition of *Planning horizon*.

■ 17. In § 252.54:

■ a. Revise subparagraph (b)(2)(i).

■ b. Revise subparagraph (b)(4)(i).

The revisions read as follows:

§ 252.52 Definitions.

* * * * *

Planning horizon means the period of at least nine consecutive quarters, beginning with the quarter prior to the start of the stress test cycle, over which the relevant projections extend.

* * * * *

§ 252.54 Stress test.

* * * * *

(b) * * *

(2) * * *

(i) The Board may require a covered company with significant trading activity to include a trading and counterparty component in its severely adverse scenario in the stress test required by this section. The data used in this component must be as of a date selected by the Board that is no earlier than October 1 of the calendar year two years prior to the year in which the stress test is performed that precedes October 1 of the calendar year one year prior to the year in which the stress test is performed pursuant to this section. Unless otherwise determined by the Board, the as-of date for such component will be communicated to the company by October 15 of the calendar year one year prior to the year in which the stress test is performed and a final description of the component will be communicated to the company by no later than March 1 of the calendar year in which the stress test is performed pursuant to this section. A covered company has significant trading activity if it has:

(A) Aggregate trading assets and liabilities of \$50 billion or more, or aggregate trading assets and liabilities equal to 10 percent or more of total consolidated assets;

(B) Is not a Category IV bank holding company.

* * * * *

(4) * * *

(i) *Notification of additional component.* If the Board requires a covered company to include one or more additional components in its severely adverse scenarios under paragraph (b)(2) of this section or to use one or more additional scenarios under paragraph (b)(3) of this section, the Board will notify the company in writing. The Board will provide such notification no later than September 30 of the preceding calendar year. The notification will include a general description of the additional component(s) or additional scenario(s) and the basis for requiring the company to include the additional component(s) or additional scenario(s).

* * * * *

Appendix A to Part 252—Policy Statement on the Scenario Design Framework for Stress Testing

■ 18. Appendix A to part 252 is revised to read as follows:

1. Background

(a) The Board has imposed stress testing requirements through its regulations (stress test rules) implementing section 165(i) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act or Act), section 10(g) of the Home Owners' Loan Act, and section 401(e) of the Economic Growth, Regulatory Relief, and Consumer Protection Act, and through its capital plan rule (12 CFR 225.8). Under the stress test rules, the Board conducts a supervisory stress test of each bank holding company with total consolidated assets of \$100 billion or more, intermediate holding company of a foreign banking organization with total consolidated assets of \$100 billion or more, and nonbank financial company that the Financial Stability Oversight Council has designated for supervision by the Board (together, covered companies).²⁸⁷ In addition, under the stress test rules, certain firms are also subject to company-run stress test requirements.²⁸⁸ The Board will provide two different sets of conditions (each set, a scenario), including baseline and severely adverse scenario for both supervisory and company-run stress tests (macroeconomic scenarios).²⁸⁹

²⁸⁷ 12 U.S.C. 5365(i)(1); 12 CFR part 252, subpart E.

²⁸⁸ 12 U.S.C. 5365(i)(2); 12 CFR part 252, subparts B and F.

²⁸⁹ The stress test rules define scenarios as those sets of conditions that affect the United States economy or the financial condition of a company that the Board determines are appropriate for use in stress tests, including, but not limited to, baseline and severely adverse scenarios. The stress test rules define baseline scenario as a set of conditions that affect the United States economy or the financial condition of a company and that reflect the consensus views of the economic and financial outlook. The stress test rules define severely adverse scenario as a set of conditions that affect the U.S. economy or the financial condition of a company and that overall are significantly more severe than those associated with the baseline

(b) The stress test rules provide that the Board will notify covered companies by no later than February 15 of each year of the scenarios it will use to conduct its supervisory stress tests and provide, also by no later than February 15, covered companies and other financial companies subject to the final rules the set of scenarios they must use to conduct their company-run stress tests. Under the stress test rules, the Board may require certain companies to use additional components in the severely adverse scenario or additional scenarios. For example, the Board expects to require large banking organizations with significant trading activities to include a trading and counterparty component (market shock, described in the following sections) in their severely adverse scenario. The Board will provide any additional components or scenarios by no later than March 1 of each year.²⁹⁰ The Board expects that the scenarios it will require the companies to use will be the same as those the Board will use to conduct its supervisory stress tests (together, stress test scenarios).

(c) In addition, § 225.8 of the Board's Regulation Y (capital plan rule) requires covered companies to submit annual capital plans, including stress test results, to the Board in order to allow the Board to assess whether they have robust, forward-looking capital planning processes and have sufficient capital to continue operations throughout times of economic and financial stress.²⁹¹

(d) Stress tests required under the stress test rules and under the capital plan rule require the Board and financial companies to calculate pro-forma capital levels—rather than “current” or actual levels—over a specified planning horizon under baseline and stressful scenarios. This approach integrates key lessons of the 2007–2009 financial crisis and subsequent stress events into the Board's supervisory framework. During the financial crisis, investor and counterparty confidence in the capitalization of financial companies eroded rapidly in the face of changes in the current and expected economic and financial conditions, and this loss in market confidence imperiled companies' ability to access funding, continue operations, serve as a credit intermediary, and meet obligations to creditors and counterparties. Importantly, such a loss in confidence occurred even when a financial institution's capital ratios were in excess of regulatory minimums. This is because the institution's capital ratios were perceived as lagging indicators of its financial condition, particularly when conditions were changing.

(e) The stress tests required under the stress test rules and capital plan rule are a valuable supervisory tool that provide a forward-looking assessment of large financial companies' capital adequacy under hypothetical economic and financial market conditions. Currently, these stress tests

primarily focus on credit risk, operational risk, and market risk—that is, risk of market-to-market losses associated with companies' trading and counterparty positions—and not on other types of risk, such as liquidity risk. Pressures stemming from these sources are considered in separate supervisory exercises. No single supervisory tool, including the stress tests, can provide an assessment of a company's ability to withstand every potential source of risk.

(f) Selecting appropriate scenarios is an especially significant consideration for stress tests required under the capital plan rule, which ties the review of a company's performance under stress scenarios to its ability to make capital distributions. More severe scenarios, all other things being equal, generally translate into larger projected declines in banks' capital. Thus, a company would need more capital today to meet its minimum capital requirements in more stressful scenarios and have the ability to continue making capital distributions, such as common dividend payments. This translation is far from mechanical, however; it will depend on factors that are specific to a given company, such as underwriting standards and the company's business model, which would also greatly affect projected revenue, losses, and capital.

2. Overview and Scope

(a) This policy statement provides more detail on the characteristics of the stress test scenarios and explains the considerations and procedures that underlie the approach for formulating these scenarios. The considerations and procedures described in this policy statement apply to the Board's stress testing framework, including to the stress tests required under 12 CFR part 252, subparts B, E, and F as well as the Board's capital plan rule (12 CFR 225.8).²⁹²

(b) Although the Board does not envision that the broad approach used to develop scenarios will change from year to year, the stress test scenarios will reflect changes in the outlook for economic and financial conditions and changes to specific risks or vulnerabilities that the Board, in consultation with the other federal banking agencies, determines should be considered in the annual stress tests. The stress test scenarios should not be regarded as forecasts; rather, they are hypothetical paths of economic variables that will be used to assess the strength and resilience of the companies' capital in various economic and financial environments.

(c) The remainder of this policy statement is organized as follows. Section 3 provides a broad description of the baseline and severely adverse scenarios and describes the relationship between the macroeconomic scenario and the market shock component of the severely adverse scenario applicable to companies with significant trading activity. This section also describes the types of variables that the Board expects to include in the macroeconomic scenarios and the market shock component. Section 4 describes the Board's approach for developing the

macroeconomic scenarios, and section 5 describes the approach for the market shocks. Section 6 provides a timeline for the formulation and publication of the macroeconomic assumptions and market shocks.

3. Content of the Stress Test Scenarios

(a) The Board will publish two different scenarios, including baseline and severely adverse conditions, for use in stress tests required in the stress test rules.²⁹³ In general, the Board anticipates that it will not issue additional scenarios. Specific circumstances or vulnerabilities that in any given year the Board may determine require particular vigilance to help ensure the resilience of the banking sector may be captured in the severely adverse scenario, and are expected to be explained through the comment process in those stress test cycles.

(b) While the Board generally expects to use the same scenarios for all companies subject to the final rule, it may require a subset of companies—depending on a company's financial condition, size, complexity, risk profile, scope of operations, or activities, or risks to the U.S. economy—to include additional scenario components or additional scenarios that are designed to capture different effects of adverse events on revenue, losses, and capital. One example of such components is the market shock that applies only to companies with significant trading activity. Additional components or scenarios may also include other stress factors that may not necessarily be directly correlated to macroeconomic or financial assumptions but nevertheless can materially affect companies' risks, such as the unexpected default of a major counterparty.

(c) Early in each stress testing cycle, the Board plans to publish the macroeconomic scenarios along with a brief narrative summary that provides a description of the economic situation underlying the scenario and explains how the scenarios have changed relative to the previous year. In addition, to assist companies in projecting the paths of additional variables in a manner consistent with the scenario, the narrative will provide descriptions of the general path of some additional variables. These descriptions will be general—that is, they will describe developments for broad classes of variables rather than for specific variables—and will specify the intensity and direction of variable changes but not numeric magnitudes. These descriptions should provide guidance that will be useful to companies in specifying the paths of the additional variables for their company-run stress tests. Note that in practice it will not be possible for the narrative to include descriptions of all the additional variables that companies may need for their company-run stress tests. In cases where scenarios are designed to reflect particular risks and vulnerabilities, the narrative will also explain the underlying motivation for these features of the scenario. The Board also plans to release a description of the market shock components.

scenario and may include trading or other additional components.

²⁹⁰ 12 CFR 252.14(b); 12 CFR 252.44(b); 12 CFR 252.54(b).

²⁹¹ See 12 CFR 225.8.

²⁹² 12 CFR 252.14(a); 12 CFR 252.44(a); 12 CFR 252.54(a).

²⁹³ 12 CFR 252.14(b); 12 CFR 252.44(b); 12 CFR 252.54(b).

3.1 Macroeconomic Scenarios

(a) The macroeconomic scenarios will consist of the future paths of a set of economic and financial variables.²⁹⁴ The economic and financial variables included in the scenarios will likely comprise those included in the “2014 Supervisory Scenarios for Annual Stress Tests Required under the Dodd-Frank Act Stress Testing Rules and the Capital Plan Rule” (2013 supervisory scenarios). The domestic U.S. variables provided for in the 2013 supervisory scenarios included:

(1) Six measures of economic activity and prices: Real and nominal gross domestic product (GDP) growth, the unemployment rate of the civilian non-institutional population aged 16 and over, real and nominal disposable personal income growth, and the Consumer Price Index (CPI) inflation rate;

(2) Four measures of developments in equity and property markets: The Core Logic National House Price Index, the National Council for Real Estate Investment Fiduciaries Commercial Real Estate Price Index, the Dow Jones Total Stock Market Index, and the Chicago Board Options Exchange Market Volatility Index; and

(3) Six measures of interest rates: The rate on the 3-month Treasury bill, the yield on the 5-year Treasury bond, the yield on the 10-year Treasury bond, the yield on a 10-year BBB corporate security, the prime rate, and the interest rate associated with a conforming, conventional, fixed-rate, 30-year mortgage.

(b) The international variables provided for in the 2014 supervisory scenarios included, for the euro area, the United Kingdom, developing Asia, and Japan:

(1) Percent change in real GDP;

(2) Percent change in the CPI or local equivalent; and

(3) The U.S./foreign currency exchange rate.²⁹⁵

(c) The economic variables included in the scenarios influence key items affecting financial companies' net income, including pre-provision net revenue and credit losses on loans and securities. Moreover, these variables exhibit fairly typical trends in adverse economic climates that can have unfavorable implications for companies' net income and, thus, capital positions.

(d) The economic variables included in the scenario may change over time. For example, the Board may add variables to a scenario if the international footprint of companies that are subject to the stress testing rules changed notably over time such that the variables already included in the scenario no longer sufficiently capture the material risks of these companies. Alternatively, historical relationships between macroeconomic variables could change over time such that one variable (e.g., disposable personal

income growth) that previously provided a good proxy for another (e.g., light vehicle sales) in modeling companies' pre-provision net revenue or credit losses ceases to do so, resulting in the need to create a separate path, or alternative proxy, for the other variable. However, recognizing the amount of work required for companies to incorporate the scenario variables into their stress testing models, the Board expects to eliminate variables from the scenarios only in rare instances.

(e) The Board expects that the company may not use all of the variables provided in the scenario, if those variables are not appropriate to the company's line of business, or may add additional variables, as appropriate. The Board expects the companies to ensure that the paths of such additional variables are consistent with the scenarios the Board provided. For example, the companies may use, as part of their internal stress test models, local-level variables, such as state-level unemployment rates or city-level house prices. While the Board does not plan to include local-level macro variables in the stress test scenarios it provides, it expects the companies to evaluate the paths of local-level macro variables as needed for their internal models, and ensure internal consistency between these variables and their aggregate, macro-economic counterparts. The Board will provide the macroeconomic scenario component of the stress test scenarios for a period that spans a minimum of 13 quarters. The scenario horizon reflects the supervisory stress test approach that the Board plans to use. Under the stress test rules, the Board will assess the effect of different scenarios on the consolidated capital of each company over a forward-looking planning horizon of at least nine quarters.

3.2 Market Shock Component

(a) The market shock component of the severely adverse scenario will only apply to companies with significant trading activity and their subsidiaries.²⁹⁶ The component consists of large moves in market prices and rates that would be expected to generate losses. Market shocks differ from macroeconomic scenarios in several ways, both in their design and application. For instance, market shocks that might typically be observed over an extended period (e.g., 3 months) are assumed to affect the market value of the companies' trading assets and liabilities immediately. In addition, under the stress test rules, the as-of date for market shocks will differ from the quarter-end, and the Board will provide the as-of date for market shocks no later than February 1 of each year. Finally, as described in section 4,

²⁹⁶ Currently, companies with significant trading activity include any bank holding company or intermediate holding company that (1) has aggregate trading assets and liabilities of \$50 billion or more, or aggregate trading assets and liabilities equal to 10 percent or more of total consolidated assets, and (2) is not a Category IV firm. The Board may also subject a state member bank subsidiary of any such bank holding company to the market shock component. The set of companies subject to the market shock component could change over time as the size, scope, and complexity of financial company's trading activities evolve.

the market shock includes a much larger set of risk factors than the set of economic and financial variables included in macroeconomic scenarios. Broadly, these risk factors include shocks to financial market variables that affect asset prices, such as a credit spread or the yield on a bond, and, in some cases, the value of the position itself (e.g., the market value of securitized positions).

(b) The Board envisions that the market shocks will include shocks to a broad range of risk factors that are similar in granularity to those risk factors that trading companies use internally to produce profit and loss estimates, under stressful market scenarios, for all asset classes that are considered trading assets, including public equities, credit, interest rates, foreign exchange rates, and commodities. Examples of risk factors include, but are not limited to:

(1) Public equity indices to which companies with significant trading activity may have exposure, along with term structures of implied volatilities;

(2) Cross-currency foreign exchange rates of selected currencies, along term structures of implied volatilities;

(3) Term structures of government rates (e.g., U.S. Treasuries), interbank rates (e.g., swap rates) and potentially other key rates (e.g., commercial paper) for developed markets and for developing and emerging market nations to which companies may have exposure;

(4) Term structures of implied volatilities that are key inputs to the pricing of interest rate derivatives;

(5) Term structures of futures prices for energy products including crude oil (differentiated by country of origin), natural gas, and power;

(6) Term structures of futures prices for metals and agricultural commodities; and

(7) Credit spreads or instrument prices for credit-sensitive product segments including: corporate bonds, credit default swaps, and collateralized debt obligations by risk; non-agency residential mortgage-backed securities and commercial mortgage-backed securities by risk and vintage; sovereign debt; and, municipal bonds.

4. Approach for Formulating the Macroeconomic Assumptions for Scenarios

(a) This section describes the Board's approach for formulating macroeconomic assumptions for each scenario. The methodologies for formulating this part of each scenario differ by scenario, so these methodologies for the baseline and severely adverse scenarios are described separately in each of the following subsections.

(b) In general, the baseline scenario will reflect the most recently available consensus views of the macroeconomic outlook expressed by professional forecasters, government agencies, and other public-sector organizations as of the beginning of the stress-test cycle. The severely adverse scenario will consist of a set of economic and financial conditions that reflect the conditions of post-war U.S. recessions.

(c) Each of these scenarios is described further in sections below as follows: Baseline (subsection 4.1) and severely adverse (subsection 4.2)

²⁹⁴ The future path of a variable refers to its specification over a given time period. For example, the path of unemployment can be described in percentage terms on a quarterly basis over the stress testing time horizon.

²⁹⁵ The Board may increase the range of countries or regions included in future scenarios, as appropriate.

4.1 Approach for Formulating Macroeconomic Assumptions in the Baseline Scenario

(a) The stress test rules define the baseline scenario as a set of conditions that affect the U.S. economy or the financial condition of a banking organization, and that reflect the consensus views of the economic and financial outlook. Projections under a baseline scenario are used to evaluate how companies would perform in more likely economic and financial conditions. The baseline serves also as a point of comparison to the severely adverse scenario, giving some sense of how much of the company's capital decline could be ascribed to the scenario as opposed to the company's capital adequacy under expected conditions.

(b) The baseline scenario will be developed around a macroeconomic projection that captures the prevailing views of private-sector forecasters (e.g., Blue Chip Consensus Forecasts and the Survey of Professional Forecasters), government agencies, and other public-sector organizations (e.g., the International Monetary Fund and the Organization for Economic Co-operation and Development) near the beginning of the annual stress-test cycle. The baseline scenario is designed to represent a consensus expectation of certain economic variables over the time period of the tests and it is not the Board's internal forecast for those economic variables. For example, the baseline path of short-term interest rates is constructed from consensus forecasts and may differ from that implied by the Federal Open Market Committee's *Summary of Economic Projections*.

(c) For some scenario variables—such as U.S. real GDP growth, the unemployment rate, and the consumer price index—there will be many different forecasts available to project the paths of these variables in the baseline scenario. For others, a more limited number of forecasts will be available. If available forecasts diverge notably, the baseline scenario will reflect an assessment of the forecast that is deemed to be most plausible. The Board also considers the output of a macroeconomic model, for which the Board will maintain a description separately on the Board's website, developed by Board staff for use in constructing the values of some of the variables in the scenarios for the annual stress test. In setting the paths of variables in the baseline scenario, particular care will be taken to ensure that, together, the paths present a coherent and plausible outlook for the U.S. and global economy, given the economic climate in which they are formulated. However, the macroeconomic model was designed to meet the specific needs of the stress testing program, and the resulting baseline scenarios are not Federal Reserve forecasts.

4.2 Approach for Formulating the Macroeconomic Assumptions in the Severely Adverse Scenario

The stress test rules define a severely adverse scenario as a set of conditions that affect the U.S. economy or the financial condition of a financial company and that overall are significantly more severe than

those associated with the baseline scenario. The financial company will be required to publicly disclose a summary of the results of its stress test under the severely adverse scenario, and the Board intends to publicly disclose the results of its analysis of the financial company under the severely adverse scenario.

4.2.1 General Approach: The Recession Approach

(a) The Board intends to use a recession approach to develop the severely adverse scenario. In the recession approach, the Board will specify the future paths of variables to reflect conditions that characterize post-war U.S. recessions, generating either a typical or specific recreation of a post-war U.S. recession. The Board chose this approach because it has observed that the conditions that typically occur in recessions—such as increasing unemployment, declining asset prices, and contracting loan demand—can put significant stress on companies' balance sheets. This stress can occur through a variety of channels, including higher loss provisions due to increased delinquencies and defaults; losses on trading positions through sharp moves in market prices; and lower bank income through reduced loan originations. For these reasons, the Board believes that the paths of economic and financial variables in the severely adverse scenario should, at a minimum, resemble the paths of those variables observed during a recession.

(b) This approach requires consideration of the type of recession to feature. All post-war U.S. recessions have not been identical: Some recessions have been associated with very elevated interest rates, some have been associated with sizable asset price declines, and some have been relatively more global. Recessions that are caused by or exacerbated by a financial crisis often are deeper and more protracted than other recessions. The Board therefore believes that the severely adverse scenario should be triggered by a sudden and substantial increase in risk aversion and uncertainty that causes sharp declines in risky financial asset prices, lower interest rates on safe assets, and a rise in volatility big enough to disrupt functioning in some markets. Although markets resume normal functioning within a few months, the rise in uncertainty and decline in wealth causes businesses to take nearly simultaneous steps to reduce employment and investment and households to reduce spending. Negative feedback effects between contracting economic activity and financial markets' response lead to a deep and prolonged decline in overall economic activity, inflation, and asset prices followed by a shallow recovery.

(c) Indeed, the most common features of recessions are increases in the unemployment rate and contractions in aggregate incomes and economic activity. For this and the following reasons, the Board intends to use a rise in the unemployment rate as the primary basis for calibrating the severity of the severely adverse scenario. First, the unemployment rate is likely the most representative single summary indicator of adverse economic conditions. Second, in comparison to GDP, labor market data have

traditionally featured more prominently than GDP in the set of indicators that the National Bureau of Economic Research reviews to inform its recession dates.²⁹⁷ Third and finally, the growth rate of potential output can cause the size of the decline in GDP to vary between recessions. While changes in the unemployment rate can also vary over time due to demographic factors, this seems to have more limited implications over time relative to changes in potential output growth. The unemployment rate used in the severely adverse scenario will reflect an unemployment rate that has been observed in severe post-war U.S. recessions, measuring severity by the absolute level of and relative increase in the unemployment rate.²⁹⁸

(d) The Board believes that the severely adverse scenario should also reflect a housing recession. The house prices path set in the severely adverse scenario will reflect developments that have been observed in post-war U.S. housing recessions, measuring severity by the absolute level of and relative decrease in the house prices.

(e) As described below, the Board has developed guides for several additional variables including equity prices, the Chicago Board Options Exchange's Volatility Index (VIX), BBB spread, mortgage rate spread, commercial real estate prices, and 5-year and 10-year Treasury yields. The international variables (GDP, inflation, and exchange rates) are also subject to guides.

(f) The Board will specify the paths of those other macroeconomic and financial market variables based on their behavior during previous recessions or other periods of financial stress, as well as informed assessments of how that behavior co-moved with the paths of unemployment, income, house prices, and activity during periods of macrofinancial stress. Some of these other variables, however, have taken divergent paths in previous recessions (e.g., foreign GDP). The analysis that the Board conducted to develop the guides informed its judgment in selecting the appropriate ranges for the peak or trough, the timing of that peak or trough, and ending values, as well as the trajectory of these variables between the starting and ending values. In general, the path for these variables also will be based on their underlying structure at the time that the scenario is designed (e.g., economic or financial-system vulnerabilities in other countries).

(g) The Board considered alternative methods for scenario design of the severely adverse scenario, including a probabilistic approach. The probabilistic approach constructs a baseline forecast from a large-

²⁹⁷ More recently, a monthly measure of GDP has been added to the list of indicators.

²⁹⁸ Even though all recessions feature increases in the unemployment rate and contractions in incomes and economic activity, the size of this change has varied over post-war U.S. recessions. Table 1 documents the variability in the depth of post-war U.S. recessions. Some recessions—labeled mild in Table 1—have been relatively modest, with GDP edging down just slightly and the unemployment rate moving up about a percentage point. Other recessions—labeled severe in Table 1—have been much harsher, with GDP dropping 3.75 percent and the unemployment rate moving up a total of about 4 percentage points.

scale macroeconomic model and identifies a scenario that would have a specific probabilistic likelihood given the baseline forecast. The Board believes that, at this time, the recession approach is better suited for developing the severely adverse scenario than a probabilistic approach because it guarantees a recession of some specified severity. In contrast, the probabilistic approach requires the choice of an extreme tail outcome—relative to baseline—to characterize the severely adverse scenario (e.g., a 5 percent or a 1 percent tail outcome). In practice, this choice is difficult as adverse economic outcomes are typically thought of in terms of how variables evolve in an absolute sense rather than how far away they lie in the probability space away from the baseline. In this sense, a scenario featuring a recession may be somewhat clearer and more straightforward to communicate. Finally, the probabilistic approach relies on estimates of uncertainty around the baseline scenario and such estimates are in practice model-dependent.

4.2.2 Setting Variables in the Severely Adverse Scenario

(a) Generally, the variables in the severely adverse scenario will be specified to be consistent with their expected behavior in severe recessions or periods of market stress. The approach for specifying the paths of these variables in the scenario will reflect the Board's assessment of:

(1) how economic models suggest that these variables should evolve given the path of the unemployment rate,

(2) how these variables have typically evolved in past U.S. recessions or other relevant periods of significant stress in particular asset markets, and

(3) other relevant factors, including the current state of the economy; the level of vulnerabilities in the financial system; and consensus estimates of long-run equilibrium values of potential GDP, interest rates, and inflation expectations.

(b) For certain variables subject to guides that provide a range or potential values (BBB spread, VIX, commercial real estate prices, and mortgage rate), the Board expects that it could be appropriate to set the paths for these variables at similar levels of severity. In making this determination, the Board would consider the expected severity of the unemployment rate and house prices variables and the prevailing macroeconomic and financial conditions described in the baseline scenario.

(c) The expected trajectories for the variables related to unemployment, long-term bond yields and spreads, asset prices, and volatility will be informed by quantitative guides. These guides provide plausible ranges within which the Board expects to choose the level of the peak or trough that each of these variables will reach in the scenario, the timing of that peak or trough, the value of the variable at the end of the scenario, and the trajectory of the variable between the starting and ending value. The Board's choices within those ranges will be informed by the factors listed in section (a), above.

(d) Economic models—such as medium-scale macroeconomic models—should be

able to generate plausible paths consistent with the unemployment rate for a number of scenario variables, such as real GDP growth, CPI inflation, and short-term interest rates, which have relatively stable (direct or indirect) relationships with the unemployment rate (e.g., Okun's Law, the Phillips Curve, and interest rate feedback rules). The Board has developed a model specifically structured and calibrated to the needs of the stress testing program to inform the trajectories of these variables (as well as disposable personal income, or DPI), a description of which will be maintained on the Board's website. The output of this model is not a forecast of the Federal Reserve.

(e) In addition, judgment is necessary in projecting the path of a scenario's international variables. Recessions that occur simultaneously across countries are an important source of stress to the balance sheets of companies with notable international exposures but are not a typical feature of the international economy even when the U.S. is in recession. As a result, simply adopting the typical path of international variables in a severe U.S. recession would likely underestimate the risks stemming from the international economy. Consequently, an approach that uses both judgment and economic models informs the path of international variables.

(f) The Board expects that the variables described in this section 4.2.2 will be specified in the annual scenarios in the severely adverse scenario to be consistent with the guides for each variable below. In designing these guides and setting the values for the variables in the severely adverse scenario, the Board will consider the following scenario design principles:

(1) **Severity:** The scenarios should be sufficiently severe. Severity is an important component in ensuring that covered companies are adequately capitalized against a hypothetical severe recession and in maintaining the public credibility of stress tests. In determining the adequate level of severity for these guides, the principle of severity requires that, at times, variable paths may exceed levels observed in the historical data. Since no single scenario can account for all potential contingencies, the scenario must be sufficiently severe to ensure that banks will be resilient to a range of alternative and plausible scenarios that could generate net losses that are of similar magnitudes, even if such scenarios would have different characteristics from the single annual scenario. In establishing a sufficiently severe scenario, the Board considers the potential unintended effects of the scenario on the operations of firms subject to the stress tests.

(2) **Credibility:** The scenarios should be credible. Credible stress tests maintain the confidence of the public and financial markets that the stress tests are sufficiently severe to ensure that the firms are properly capitalized to withstand severe economic and financial conditions.

(3) **Avoiding adding procyclicality:** The scenarios should avoid adding sources of procyclicality. If stress tests are relatively more severe in already stressed conditions, then this severity could add undue stress to the financial system, reducing financial

intermediation with negative implications for the macroeconomy. The stress tests should balance the need for an adequately severe scenario without magnifying existing procyclical tendencies in the financial system.

(4) **Flexibility:** While the Board's scenario design framework promotes transparency and predictability, fixed guides often would fail to achieve at least one of the Board's goals of severity, credibility, and not adding to procyclicality, as well as the principles established in the Board's Stress Testing Policy Statement.²⁹⁹ As a result, the Board has designed guides in this section that generally establish ranges of historically observed values that can be selected for a given severely adverse scenario, while also enabling the Board to consider unexpected shocks that may have implications for the economy and the financial stability of the United States, and therefore, firms' future financial condition. Further, flexibility is important to enable the Board to implement reasonable technical adjustments to the values and trajectories of the variables, consistent with these scenario design principles.

(g) The guides described in this section set out paths for each variable over the 13 quarters in the severely adverse scenario. The stress test requires projections of 13 quarters' worth of losses to determine capital ratios at the end of 9 quarters of the scenario, because loss provisions in quarter 9 are affected by bank performance in quarters 10 to 13. To describe these paths, most guides adopt a simple framework involving the following 4 parameters:

(1) the **jump-off value:** the value of the variable in the quarter preceding the scenario. The jump-off value will be set to reflect the conditions at the time that the scenario is designed.

(2) the **peak or trough value:** the paths in each guide specify that each variable in the scenario will either increase or decrease from its jump-off value. If the variable increases, it will reach a maximum or peak value during the scenario. If it decreases, it will reach a minimum or trough value during the scenario.

(3) the **timing of the peak or trough:** the quarter of the scenario in which the variable path reaches its peak or trough.

(4) the **trajectory from jump-off to peak or trough:** the values between the jump-off and peak or trough will be determined with a roughly linear interpolation, a nonlinear function, or by specifying the proportion of the change from jump-off to peak or trough that will obtain in each of the intervening quarters.

(h) The severely adverse scenario will also set out end values and trajectories to end values. The end value is expected to generally be consistent with the historical values of a given variable within a 10 to 15 quarter window after the beginning of either a recession or other identified stress event. The trajectory from peak or trough to end value is expected to generally be determined by a roughly linear interpolation. The trajectory from the peak or trough to the end

²⁹⁹ 12 CFR 252, Appendix B.

value generally will be smooth for variables determined by guides and follow the model path for modeled variables.

4.2.2.1 Setting the Unemployment Rate Under the Severely Adverse Scenario

(a) The Board anticipates that the severely adverse scenario will feature an unemployment rate peak value that increases between 3 to 5 percentage points from its jump-off value. However, if a 3 to 5 percentage point increase in the unemployment rate does not raise the level of the unemployment rate to at least 10 percent, the path of the unemployment rate in most cases will be specified so as to raise the unemployment rate to at least 10 percent.

(b) The Board anticipates that the unemployment rate peak value will occur between quarters 6 and 8 after the jump-off point for the scenario. The trajectory to peak value is expected to experience high initial changes with smaller subsequent changes quarter to quarter.

4.2.2.2 Setting House Prices in the Severely Adverse Scenario

(a) In specifying the path for nominal house prices, the Board will consider the ratio of the nominal house price index (HPI) to nominal per capita DPI. The Board anticipates that the severely adverse scenario will feature an HPI-DPI ratio that falls by at least 25 percent, or enough to bring the ratio down to the trough reached in the first quarter of 2012 after the 2007–2009 financial crisis.

(b) The trough is expected to occur between quarter 8 and quarter 10 after the jump-off quarter. The trajectory to trough value is expected to experience 20 percent of the decline realized in quarter 1 and another 20 percent of the decline in quarter 2 (40 percent in total), with a roughly linear trajectory to trough thereafter.

4.2.2.3 Setting the BBB Spread for the Severely Adverse Scenario

(a) The Board anticipates that the severely adverse scenario will feature a BBB corporate spread value, defined as the difference between the yield on BBB corporate bonds and the 10-year Treasury yield, that increases to the higher of (1) between a spread level of 500 to 600 basis points, or (2) a total increase of about 100 basis points from the jump-off value.

(b) The Board anticipates that the BBB spread peak value will occur between quarters 3 and 4 after the jump-off point for the scenario. The trajectory to peak value is expected to experience the highest share of the increase in quarters 1 and 2, with between 60 and 80 percent of the increase in quarter 1, followed by a smooth trajectory to peak thereafter.

4.2.2.4 Setting the Mortgage Rate for the Severely Adverse Scenario

(a) The Board anticipates that the severely adverse scenario will feature a mortgage rate spread value, relative to the 10-year Treasury yield, that increases between 70 to 160 basis points from its initial level. The initial level will be set based on the conditions at the time that the scenario is designed. However, if a 70 to 160 basis point increase in the mortgage rate spread does not raise the level

of the mortgage rate spread to at least 280 basis points, the path of the mortgage rate spread in most cases will be specified so as to raise the mortgage rate spread to at least 280 basis points.

(b) The Board anticipates that the mortgage rate spread peak value will occur between quarters 3 and 4 after the jump-off point for the scenario. The trajectory to peak value is expected to experience between 50 and 70 percent of the increase realized in quarter 1, with a smooth trajectory to peak thereafter.

4.2.2.5 Setting the VIX for the Severely Adverse Scenario

(a) The Board anticipates that the severely adverse scenario will feature a VIX peak value that will increase to a level between 65 and 75 percent or by at least 10 percentage points from the jump-off value, whichever results in a higher level.

(b) The Board anticipates that the VIX peak value will occur in quarter 2 after the jump-off point for the scenario. The trajectory to peak value is expected to experience the largest share of the increase, of 60 to 80 percent, in quarter 1.

4.2.2.6 Setting Equity Prices for the Severely Adverse Scenario

(a) The Board anticipates that the severely adverse scenario will feature an equity price value that falls by around 50 percent plus or minus up to 10 percent, depending on the performance of equity prices over the 12-month period prior to the jump-off value. When equity prices have risen over the past 12 months, equity prices will fall to a trough level below the jump-off value of 50 percent plus one half of the percentage increase in equity prices up to a maximum of 10 percent. When equity prices have decreased over the past 12 months, equity prices will fall to a trough level below the jump-off value of 50 percent minus one half of the percentage decrease in equity prices, up to a maximum of 10 percent. Thus, the equity prices reach a trough level of between 40 and 60 percent below the jump-off value.

(b) The Board anticipates that the equity price trough value will occur in quarter 3 or 4 after the jump-off point for the scenario. The trajectory to trough value is expected to experience the highest share of the decrease, 60 to 70 percent, in quarter 1, with 10 to 20 percent of the decline occurring in quarter 2 and the remaining decline realized about equally in the remaining quarter(s) to the trough value.

4.2.2.7 Setting CRE Prices for the Severely Adverse Scenario

(a) The Board anticipates that the severely adverse scenario will feature a CRE price value that falls between 30 and 45 percent from its jump-off value.

(b) The Board anticipates that the CRE trough value will occur between 8 and 10 quarters after the jump-off value for the scenario. The trajectory to trough value is expected to be roughly linear.

4.2.2.8 Setting the 5-Year Treasury Yield for the Severely Adverse Scenario

(a) The Board anticipates that the severely adverse scenario will feature a 5-year Treasury yield value that falls between 1.5 and 3.5 percentage points from its jump-off

value, subject to a lower bound of 0.3 percent, or a decline of 0.25 percent from the jump-off level, whichever is lower.

(b) The Board anticipates that the 5-year Treasury yield trough value will occur between 1 and 4 quarters after the jump-off value for the scenario. The trajectory to trough value is expected to experience the highest share of the decrease in quarter 1, depending on the quarter that the trough value will occur, such that the share of the decrease in quarter 1 will be between 55 percent and 100 percent. If the trough value is set to occur in quarters 2, 3, or 4, the yield decline trajectory following quarter 1 will decrease smoothly to the trough quarter.

4.2.2.9 Setting the 10-Year Treasury Yield for the Severely Adverse Scenario

(a) The Board anticipates that the severely adverse scenario will feature a 10-year Treasury yield value that falls between 1 and 3 percentage points from its jump-off value, subject to a lower bound of 0.5 percent, or a decline of 0.25 percent from the jump-off level, whichever is lower.

(b) The Board anticipates that the 10-year Treasury yield trough value will occur between 1 and 4 quarters after the jump-off value for the scenario. The trajectory to trough value is expected to experience the highest share of the decrease in quarter 1, depending on the quarter that the trough value will occur, such that the share of the decrease in quarter 1 will be between 55 percent and 100 percent. If the trough value is set as quarters 2, 3, or 4, the yield decline trajectory following quarter 1 will decrease smoothly to the trough quarter.

4.2.2.10 Setting the Calibration of International Variables

(a) The Board expects to calibrate values for certain international variables in the euro area, the United Kingdom, Japan, and Developing Asia.

(b) For the euro area, the Board expects in general to specify that GDP will decline by 7.5 percent from the baseline value to its trough in the scenario, and reach an end value of 7.5 percent below the baseline value. However, the Board may choose a value for the decline in GDP between 5 and 10 percent. The Board expects to specify that euro area inflation will decline by 3 percentage points from the baseline scenario to its trough, and reach an end value of 0 percentage points below the baseline value. However, the Board may choose a value for the decline in inflation between 2 and 4 percentage points. The Board expects to specify that the U.S. dollar will appreciate against the euro by approximately 15 percent from its jump-off value at its peak and then revert back to the jump-off value by the end of the scenario. However, the Board may choose a value for U.S. dollar appreciation between 5 and 25 percent(c).

For the United Kingdom, the Board expects in general to specify that GDP will decline by 7.5 percent from the baseline value to its trough in the scenario, and reach an end value of 7.5 percent below the baseline value. However, the Board may choose a value for the decline in GDP between 5 and 10 percent. The Board expects to specify that inflation will decline by 3 percentage points from the

baseline value to its trough, and reach an end value of 0 percentage points below the baseline value. However, the Board may choose a value for the decline in inflation between 2 and 4 percentage points. The Board expects to specify that the U.S. dollar will appreciate against the Great Britain Pound by 15 percent from its jump-off value at its peak and then revert back to the jump-off value by the end of the scenario. However, the Board may choose a value for U.S. dollar appreciation between 5 and 25 percent.

(d) For Japan, the Board expects in general to specify that GDP will decline by 7.5 percent from the baseline value to its trough in the scenario, and reach an end value of 7.5 percent below the baseline value. However, the Board may choose a value for the decline in GDP between 5 and 10 percent. The Board expects to specify that inflation will decline by 3 percentage points from the baseline value to its trough, and reach an end value of 0 percentage points below the baseline value. However, the Board may choose a value for the decline in inflation between 2 and 4 percentage points. The Board expects to specify that U.S. dollar will depreciate against the Japanese yen by 1 percent from its jump-off value at its peak and then revert back to the jump-off value by the end of the scenario. However, the Board may choose a value for change in value of the U.S. dollar against the Japanese yen ranging from a 9 percent depreciation to an 11 percent appreciation.

(e) For Developing Asia, the Board expects in general to specify that GDP will decline by 3 percent from the baseline value to its trough, and reach an end value of 0 percent below the baseline value. However, the Board may choose a value for the decline in GDP between 0.5 and 5.5 percent. The Board expects to specify that inflation will decline by 5 percentage points from the baseline value to its trough, and reach an end value of 0 percentage points below the baseline value. However, the Board may choose a value for the decline in inflation between 0.8 and 9 percentage points. The Board expects to specify that the U.S. dollar will appreciate against the currencies in Developing Asia by 15 percent from its jump-off value at its peak and then revert back to the jump-off value by the end of the scenario. However, the Board may choose a value for the appreciation of the U.S. dollar between 5 and 25 percent.

4.2.3 Adding Salient Risks to the Severely Adverse Scenario

(a) The severely adverse scenario will be developed to reflect specific risks to the economic and financial outlook that are especially salient but that would feature minimally in the scenario if the Board were to use only approaches that looked to past recessions or relied on historical relationships between variables.

(b) There are some important instances in which it will be appropriate to augment the recession approach with salient risks. For example, if an asset price were especially elevated and thus potentially vulnerable to an abrupt and potentially destabilizing decline, it would be appropriate to include such a decline in the scenario even if such a large drop were not typical in a severe

recession. Likewise, if economic developments abroad were particularly unfavorable, assuming a weakening in international conditions larger than what typically occurs in severe U.S. recessions would likely also be appropriate.

(c) Clearly, while the recession component of the severely adverse scenario is within some predictable range, the salient risk aspect of the scenario is far less so, and therefore, needs an annual assessment. Each year, the Board will identify the risks to the financial system and the domestic and international economic outlooks that appear more elevated than usual, using its internal analysis and supervisory information and in consultation with the Federal Deposit Insurance Corporation (FDIC) and the Office of the Comptroller of the Currency (OCC). Using the same information, the Board will then calibrate the paths of the macroeconomic and financial variables in the scenario to reflect these risks.

(d) The Board will factor in particular risks to the domestic and international macroeconomic outlook identified by its economists, bank supervisors, and financial market experts and make appropriate adjustments to the paths of specific economic variables. These adjustments will not be reflected in the general severity of the recession and, thus, all macroeconomic variables; rather, the adjustments will apply to a subset of variables to reflect co-movements in these variables that are historically less typical. The Board plans to discuss the motivation for the adjustments that it makes to variables to highlight systemic risks in the narrative describing the scenarios, which will be released for public comment and subsequently adjusted, if necessary, in response to those comments.³⁰⁰

5. Approach for Formulating the Market Shock Component

(a) This section discusses the approach the Board proposes to adopt for developing the market shock component of the severely adverse scenario appropriate for companies with significant trading activities. The design and specification of the market shock component differs from that of the macroeconomic scenarios because profits and losses from trading are measured in mark-to-market terms, while revenues and losses from traditional banking are generally measured using the accrual method. As noted above, another critical difference is the time-evolution of the market shock component. The market shock component consists of a sudden "shock" to a large number of risk

factors that determine the mark-to-market value of trading positions, while the macroeconomic scenarios supply a projected path of economic variables that affect traditional banking activities over the entire planning period.

(b) The development of the market shock component that are detailed in this section are as follows: baseline (subsection 5.1) and severely adverse (subsection 5.2).

5.1 Approach for Formulating the Market Shock Component Under the Baseline Scenario

Market shocks are large, previously unanticipated moves in asset prices and rates. Under the baseline scenario, asset prices should, broadly speaking, reflect consensus opinions about the future evolution of the economy. Sudden price movements, as envisioned in the market shock, should not occur along the baseline path. As a result, the market shock will not be included in the baseline scenario.

5.2 Approach for Formulating the Market Shock Component Under the Severely Adverse Scenario

This section addresses possible approaches to designing the market shock component in the severely adverse scenario, including important considerations for scenario design, possible approaches to designing scenarios, and a development strategy for implementing the preferred approach.

5.2.1 Design Considerations for Market Shocks

(a) The general market practice for stressing a trading portfolio is to specify market shocks either in terms of changes to observable, broad financial market indicators and risk factors or directly as changes to the mark-to-market values of financial instruments.

(b) While the number of market shocks used in companies' pricing and stress-testing models typically exceeds that provided in the Board's scenarios, the number of market shocks in the Board's scenarios allows for the consistency and comparability of market losses across companies. However, the benefit from specifying a large set of market shocks is at least partly offset by the potential difficulty in creating shocks that are coherent and internally consistent, particularly as the framework for developing market shocks deviates from historical events. The Board's process for generating the scenario market shocks has developed over time to rely less on models and has expanded its use of simpler methods, such as multipliers and mappings to modeled risk factors.

(c) Also, importantly, the ultimate losses associated with a given market shock will depend on a company's trading positions, which can make it difficult to rank order, ex ante, the severity of the scenarios. In certain instances, market shocks that include large market moves may not be particularly stressful for a given company. Aligning the market shock with the macroeconomic scenario for consistency may result in certain companies actually benefiting from risk factor moves of larger magnitude in the market scenario if the companies are hedging against salient risks to other parts of their

³⁰⁰ The means of effecting an adjustment to the severely adverse scenario to address salient systemic risks differs from the means used to adjust variables within the ranges specified by the guides or the paths suggested by the macroeconomic model. For example, in adjusting the scenario for an increased unemployment rate, the Board would modify all variables such that the future paths of the variables would be similar to how these variables have moved historically in response to a change in the unemployment rate. In contrast, to address salient risks, the Board may only modify a small number of variables in the scenario and, as such, their future paths in the scenario would be somewhat more atypical, but not implausible, given existing risks.

business. Thus, the severity of market shocks must be calibrated to take into account how a complex set of risks, such as directional risks and basis risks, interacts with each other, given the companies' trading positions at the time of stress. For instance, a large depreciation in a foreign currency would benefit companies with net short positions in the currency while hurting those with net long positions. In addition, longer maturity positions may move differently from shorter maturity positions, adding further complexity.

(d) The sudden nature of market shocks and the early recognition of mark-to-market losses add another element to the design of market shocks, and to determining the appropriate severity of shocks. The design of the market shocks must factor in appropriate assumptions around the period of time during which market events will unfold and any associated market responses.

(e) The design of market shocks includes calibration of shock magnitudes based on assumed time horizons that reflect several scenario design considerations. One consideration is the liquidity characteristics of different asset classes. More specifically, the calibration horizons reflect the variation in speed at which banks could reasonably close out, or effectively hedge, the associated risk exposures in the event of a market stress. The horizons are generally longer than the typical times needed to liquidate exposures under normal conditions because they are designed to capture the unpredictable liquidity conditions that prevail in times of stress. Another consideration is maintaining consistency between the assumed time horizons used to calibrate market shocks and the timeline for attributing the losses stemming from them. Specifically, losses associated with the global market shock component are attributed in one quarter of the stress test horizon, which implies an upper bound of three months for calibrating the shocks.

(f) Given these considerations, shock liquidity horizons are chosen to be broadly consistent with the proposed standards in the Fundamental Review of the Trading Book (FRTB). The horizons in the FRTB are specified based on recommendations from consultations with the financial industry and its regulators. The horizons in the FRTB are therefore considered a reasonable benchmark for defining the shock horizons used in the global market shock. The liquidity horizons used in the market shock scenarios are not expected to be perfectly matched with the FRTB liquidity horizons due to granularity differences between the FRTB standards and the global market shock template. The FRTB specifies horizons at a more granular level, often using different horizons within each asset class, whereas the Board uses the same liquidity horizon for all market shocks within each asset class. Given these differences, the global market shock scenario aims to align with the horizons specified by the FRTB by using a weighted average of the FRTB horizons within each asset class. The weights are determined using aggregate firm exposures. For example, FRTB horizons for equity risk factors vary between 10 and 60 business days, and the global market shock

horizon for this asset class is assumed to be 4 weeks. Because the Board imposes an upper bound on global market shock horizons of one quarter, there are cases where in which the range of FRTB horizons is longer than the global market shock horizon. For example, FRTB horizons for corporate credit market shocks vary between 60 and 120 business days, but the Board uses a horizon of 3 months for corporate credit.

5.2.2 Approaches to Market Shock Design

(a) As an additional component of the severely adverse scenario, the Board plans to use a standardized set of market shocks that apply to all companies with significant trading activity. The market shocks could be based on a single historical episode, hypothetical (but plausible) events, or some combination of historical episodes, with or without the addition of hypothetical events (hybrid approach). Depending on the type of hypothetical events, a scenario based on such events may result in changes in risk factors that were not previously observed.

(b) For the market shock component in the severely adverse scenario, the Board plans to use the hybrid approach to develop shocks. The hybrid approach allows the Board to maintain certain core elements of consistency in market shocks each year while providing flexibility to add hypothetical elements based on market conditions at the time of the stress tests. In addition, this approach will help ensure internal consistency in the scenario because of its basis in historical episodes; however, combining the historical episode and hypothetical events may require some adjustments to ensure mutual consistency of the joint moves. In general, the hybrid approach provides considerable flexibility in developing scenarios that are relevant each year, and by introducing variations in the scenario, the approach will also reduce the ability of companies with significant trading activity to modify or shift their portfolios to minimize expected losses in the severely adverse market shock.

(c) The Board has considered a number of alternative approaches for the design of market shocks. For example, the Board explored an option of providing tailored market shocks for each trading company, using information on the companies' portfolios gathered through ongoing supervision, or other means. By specifically targeting known or potential vulnerabilities in a company's trading position, the tailored approach would be useful in assessing each company's capital adequacy as it relates to the company's idiosyncratic risk. However, the Board does not believe this approach to be well-suited for the stress tests required by regulation. Consistency and comparability are key features of annual supervisory stress tests and annual company-run stress tests required in the stress test rules. It would be difficult to use the information on the companies' portfolios to design a common set of shocks that are universally stressful for all covered companies. As a result, this approach would be better suited to more customized, tailored stress tests that are part of the company's internal capital planning process or to other supervisory efforts outside of the stress tests conducted under the capital rule and the stress test rules.

5.2.3 Development of the Market Shock

(a) Consistent with the approach described above, the market shock component for the severely adverse scenario will incorporate key elements of market developments during historical periods of stress, and may include other price and rate movements in certain markets that the Board deems to be plausible, though such movements may not have been observed historically.

(b) The Board will identify potential market stress scenarios, based on multiple sources of information, including financial stability reports, supervisory information, and internal and external assessments of market risks and potential flash points. The hypothetical elements could originate from major geopolitical, economic, or financial market events with potentially significant impacts on market risk factors. The severity of these hypothetical moves will likely be guided by similar historical events, assumptions embedded in the companies' internal stress tests or market participants, and other available information.

(c) Once broad market scenarios are agreed upon, the implications for key risk factor groups will be defined. For example, a scenario involving the failure of a large, interconnected globally active financial institution could begin with a sharp increase in credit default swap spreads and a precipitous decline in asset prices across multiple markets, as investors become more risk averse and market liquidity evaporates. These broad market movements will be extrapolated to the granular level for all risk factors by examining transmission channels and the historical relationships between variables, though in some cases, the movement in particular risk factors may be amplified based on theoretical relationships, market observations, or the saliency to company trading books. If there is a disagreement between the risk factor movements in the historical event used in the scenario and the hypothetical event, the Board will reconcile the differences by assessing a priori expectations based on financial and economic theory and the importance of the risk factors to the trading positions of the firms.

6. Consistency Between the Macroeconomic Scenarios and the Market Shock

(a) As discussed earlier, the market shock comprises a set of movements in a large number of risk factors that are realized in the first quarter of the stress test horizon. Among the risk factors specified in the market shock are several variables also specified in the macroeconomic scenarios, such as short- and long-maturity interest rates on Treasury and corporate debt, the level and volatility of U.S. stock prices, and exchange rates.

(b) The market shock component is an add-on to the macroeconomic scenarios that reflects abrupt market disruptions. As a result, the market shock component may not always be directionally consistent with the macroeconomic scenario. Because the market shock is designed, in part, to mimic the effects of a sudden market dislocation, while the macroeconomic scenarios are designed to provide a description of the evolution of the real economy over two or more years,

assumed economic conditions can move in significantly different ways. In effect, the market shock can simulate a market panic, during which financial asset prices move rapidly in unexpected directions, and the macroeconomic assumptions can simulate the severe recession that follows. Indeed, the pattern of a financial crisis, characterized by a short period of wild swings in asset prices followed by a prolonged period of moribund activity, and a subsequent severe recession is familiar and plausible.

(c) As discussed in section 4.2.3, the Board may feature a particularly salient risk in the macroeconomic assumptions for the severely adverse scenario, such as a fall in an elevated asset price. In such instances, the Board may also seek to reflect same risk in the market shock. For example, if the macroeconomic

scenario were to feature a substantial decline in house prices, it may be plausible for the market shock to feature a significant decline in market values of any securities that are closely tied to the housing sector or residential mortgages.

7. Timeline for Scenario Publication

(a) The Board will provide a final description of the macroeconomic scenarios by no later than February 15. During the period immediately preceding the publication of the scenarios, the Board will collect and consider information from academics, professional forecasters, international organizations, domestic and foreign supervisors, and other private-sector analysts that regularly conduct stress tests based on U.S. and global economic and financial scenarios, including analysts at the

firms. In addition, the Board will consult with the FDIC and the OCC on setting the guides in the scenarios. The Board expects to conduct this process each year and disclose the developed scenarios for public comment. The Board will update the scenarios, based on the public comments and incoming macroeconomic data releases and other information.

(b) The Board expects to provide a broad overview of the market shock component along with the macroeconomic scenarios. The Board will publish the market shock templates by no later than March 1 of each year, and intends to publish the market shock earlier in the stress test and capital plan cycles to allow companies more time to conduct their stress tests.

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Table 1—Classification of U.S. Recessions

Peak	Trough	Severity	Duration (quarters)	Decline in real GDP	Change in the unemployment rate during the recession	Total change in the unemployment rate (incl. after the recession)
1957Q3	1958Q2	Severe	4 (Medium)	−3.0	3.2	3.2
1960Q2	1961Q1	Moderate	4 (Medium)	−0.1	1.6	1.8
1969Q4	1970Q4	Moderate	5 (Medium)	−0.2	2.2	2.4
1973Q4	1975Q1	Severe	6 (Long)	−3.1	3.5	4.1
1980Q1	1980Q3	Moderate	3 (Short)	−2.2	1.4	1.4
1981Q3	1982Q4	Severe	6 (Long)	−2.5	3.3	3.3
1990Q3	1991Q1	Mild	3 (Short)	−1.4	0.9	1.9
2001Q1	2001Q4	Mild	4 (Medium)	0.5	1.3	1.9
2007Q4	2009Q2	Severe	7 (Long)	−3.8	4.5	5.1
2019Q4	2020Q2	Severe	2 (Short)	−9.2	9.4	9.4
Average		Severe	6	−4.3	4.8	5
Average		Moderate	4	−0.8	1.7	1.9
Average		Mild	3	−0.4	1.1	1.9

Source: Bureau of Economic Analysis, National Income and Product Accounts and Bureau of Labor Statistics.

Table 2—House Prices in Housing Recessions

Peak	Trough	Severity	Duration (quarters)	%- change in NHPI	%-change in HPI- DPI	HPI-DPI trough level (2000:Q1 = 100)
1980Q2	1985Q2	Moderate	19 (long)	26.2	−13.1	100.2
1989Q4	1997Q1	Moderate	30 (long)	12.5	−16.8	93.6
2005Q4	2012Q1	Severe	25 (long)	−28.7	−40.4	89.5
Average			24.7	2.7	−23.4	94.4

Source: CoreLogic, Bureau of Economic Analysis.

Note: The date ranges of housing recessions listed in Table 2 are based on the timing of house-price retrenchments.

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Appendix B to Part 252—Stress Testing Policy Statement

- 19. To amend appendix B to part 252:
- a. Add paragraph (a)(iv) to section 2.1;
- b. Revise section 2.2;
- c. Remove the text “and non-public information about” from section 3.1;
- d. Revise paragraph (c) of section 3.2.

The revisions read as follows:

* * * * *

2.1 Soundness in Model Design

(a) During development, the Federal Reserve

(i) subjects supervisory models to extensive review of model theory and logic and general conceptual soundness;

(ii) examines and evaluates justifications for modeling assumptions;

(iii) tests models to establish the accuracy and stability of the estimates and forecasts that they produce; and

(iv) invites, evaluates, and responds to substantive public input on material model changes.

* * * * *

2.2. Disclosure of Information Related to the Supervisory Stress Test

(a) In general, the Board does not disclose information related to the supervisory stress test to covered companies if that information is not also publicly disclosed. However, the Board will generally provide additional information directly to a covered company about such covered company’s supervisory stress test results, provided that the Board will only do so if it provides the same type of information to all other covered companies participating in the same stress test cycle.

(b) The Board has increased the breadth of its public disclosure since the inception of the supervisory stress test to include comprehensive descriptions of the supervisory stress models, changes to those models, and, for each supervisory stress test cycle, more information about model changes and key risk drivers, in addition to more detail on different components of projected net revenues and losses. Increasing public disclosure can help the public understand and interpret the results of the supervisory stress test, particularly with respect to the condition and capital adequacy of participating firms. Providing additional information about the supervisory stress test allows the public to make an evaluation of the quality of the Board’s assessment. This policy also promotes consistent and equitable treatment of covered companies by ensuring that institutions do not have access to

information about the supervisory stress test that is not also accessible to other covered companies, corresponding to the principle of consistency and comparability.

* * * * *

3.1. Structural Independence

* * * * *

(b) In addition, the Model Validation Council, a council of external academic experts, provides independent advice on the Federal Reserve’s process to assess models used in the supervisory stress test. In biannual meetings with Federal Reserve officials, members of the council discuss selective supervisory models, after being provided with detailed model documentation for those models. The documentation and discussions enable the council to assess the effectiveness of the models used in the supervisory stress tests and of the overarching model validation program.

* * * * *

3.2. Technical Competence of Validation Staff

* * * * *

- (c) The model validation program covers three main areas of validation:
- (1) Conceptual soundness;
 - (2) ongoing monitoring; and
 - (3) outcomes analysis.

Validation staff evaluates all aspects of model development, implementation, and use, including but not limited to theory, design, methodology, input data, testing,

performance, documentation standards, implementation controls (including access and change controls), and code verification.

By order of the Board of Governors of the Federal Reserve System.

Benjamin W. McDonough,

Deputy Secretary of the Board.

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Part IV

Department of Agriculture

Farm Service Agency

7 CFR Part 760

Agricultural Disaster Indemnity Programs; Final Rule

DEPARTMENT OF AGRICULTURE**Farm Service Agency****7 CFR Part 760**

[Docket ID FSA–2025–0007]

RIN 0560–A181

Agricultural Disaster Indemnity Programs**AGENCY:** Farm Service Agency, U.S. Department of Agriculture (USDA).**ACTION:** Final rule.

SUMMARY: The Farm Service Agency (FSA) is issuing this rule to provide assistance for eligible quality losses under Stage 1 of the Supplemental Disaster Relief Program (SDRP) and to implement Stage 2 of SDRP, the On-Farm Stored Commodity Loss Program (OFSCLP), and the Milk Loss Program (MLP), all of which will provide assistance using funding authorized by the American Relief Act, 2025. SDRP provides payments to eligible producers for losses of crops, trees, bushes, and vines due to qualifying disaster events that occurred in calendar year 2023 or 2024. SDRP Stage 1 uses a streamlined process for eligible crop, tree, and vine losses that were previously indemnified under Federal crop insurance or the Noninsured Crop Disaster Assistance Program (NAP), while SDRP Stage 2 covers losses of eligible crops, trees, bushes, and vines for which a producer did not have crop insurance or NAP coverage, as well as losses that were insured or covered by NAP but not severe enough to trigger an indemnity. OFSCLP provides payments to eligible producers who suffered uncompensated losses of harvested commodities stored in on-farm structures as a result of wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze, including a polar vortex, smoke exposure, qualifying drought, and related conditions that occurred in calendar year 2023 or 2024. MLP provides payments to eligible dairy operations for milk that was dumped or removed without compensation from the commercial milk market due to wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought, and related conditions that occurred in calendar year 2023 or 2024. This rule specifies the administrative provisions, eligibility requirements, and payment calculations for these programs. It also announces deadlines and adds quality loss assistance provisions for SDRP Stage 1.

This rule also extends the deadlines for the Emergency Livestock Relief Program (ELRP) 2023 and 2024 and ELRP 2023 and 2024 Flood and Wildfire (FW).

DATES: This rule is effective on November 18, 2025.

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

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I. Background

Title I of the Disaster Relief Supplemental Appropriations Act, 2025 (Division B of the American Relief Act, 2025; Pub. L. 118–158; referred to as “the Act” in this document) provides

“\$30,780,000,000, to remain available until expended, for necessary expenses related to losses of revenue, quality or production of crops (including milk, on-farm stored commodities, crops prevented from planting, and harvested adulterated wine grapes), trees, bushes, and vines, as a consequence of droughts, wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze, including a polar vortex, smoke exposure, and excessive moisture occurring in calendar years 2023 and 2024 under such terms and conditions as determined by the Secretary of Agriculture. . .”.

FSA is using the funding provided in the Act to assist eligible producers through several programs.¹

This final rule announces the deadline for all SDRP applications, including applications for Stage 1 losses addressed in the previous final rule², and specifies how FSA will implement assistance for SDRP Stage 1 quality losses. It amends the SDRP regulations to add information about eligibility requirements, the application process, and payment calculations for SDRP Stage 2. This final rule also amends the regulations for OFSCLP and MLP to update information about eligibility requirements, the application process, and payment calculations for assistance authorized under the Act.

II. SDRP

SDRP is using approximately \$16.09 billion of the authorized \$30.78 billion in funding to assist producers who suffered losses of crops, trees, bushes, or vines due to qualifying disaster events. FSA is administering SDRP in two stages. On July 10, 2025, FSA announced SDRP Stage 1, which uses a streamlined process with pre-filled application forms for eligible losses of crops, trees, and vines for which a producer received a Federal crop insurance indemnity under certain policies or a NAP payment.³

This rule amends the Stage 1 provisions in 7 CFR part 760, subpart V, to provide program deadlines and additional assistance for eligible quality

¹ FSA previously announced the Emergency Livestock Relief Program (ELRP) 2023 and 2024, which provides assistance to livestock producers for losses due to qualifying drought and qualifying wildfire on federally managed land (90 FR 22614), and ELRP 2023 and 2024 Flood and Wildfire (FW), which provides assistance for losses due to floods and wildfires on non-federally managed land (90 FR 44299). FSA also previously announced the Supplemental Disaster Relief Program (SDRP) Stage 1, which provides assistance to producers who suffered indemnified crop, tree, and vine losses due to qualifying disaster events (90 FR 30561).

² See 90 FR 30561.

³ See 90 FR 30561.

losses for certain crops previously included in Stage 1. This rule also adds provisions for Stage 2 to subpart V. Stage 2 provides payments for eligible crops, trees, and vines that were covered by Federal crop insurance or NAP but had losses that were not severe enough to result in an indemnity or NAP payment, referred to as “shallow” losses. The Stage 2 payment calculations for those crops are similar to the calculations used for Stage 1, which were based on the calculation specified in the crop’s insurance or NAP policy and used an SDRP factor that varied based on the crop insurance or NAP coverage level. Stage 2 also provides payments for losses of eligible crops, trees, bushes and vines that were not covered by Federal crop insurance or NAP. The payment calculations for uninsured crops, trees, bushes, and vines are similar to the previous 2017 Wildfires and Hurricanes Indemnity Program (2017 WHIP) and the Wildfires and Hurricanes Indemnity Program Plus (WHIP+) (see 7 CFR part 760, subpart O). This rule also makes minor clarifications to existing provisions throughout the subpart where needed to clarify their applicability to Stage 1 and Stage 2.

The Stage 1 final rule published on July 10, 2025, provided the general administrative and eligibility provisions that apply to all SDRP payments, including producer eligibility criteria (7 CFR 760.2203). As provided in § 760.2202, qualifying disaster events for SDRP include wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought, and related conditions that occurred in calendar year 2023 or 2024. Qualifying drought means an area within the county that was rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity for at least 8 consecutive weeks in the applicable calendar year, or D3 (extreme drought) or higher intensity for any period of time during the applicable calendar year.

As explained in the July 10, 2025 final rule, all SDRP payments, including those announced in this rule, will be combined for the purpose of applying the payment limitations in § 760.2215.⁴ The requirement to purchase crop insurance or NAP coverage for the next 2 available crop years applies to all SDRP payments as provided in § 760.2216.⁵

A. Stage 1 Quality Loss Payment Eligibility

This rule amends the provisions of SDRP Stage 1 to provide additional assistance for quality losses, referred to as “Stage 1 quality loss payments” in this rule, for certain crops that suffered losses previously included in Stage 1 (§ 760.2204(e) and (f)). Stage 1 quality loss payments will only be issued for crops for which the producer has:

- Received an indemnity under an Actual Production History (APH) or a yield-based Federal crop insurance plan or a NAP payment; and
- Submitted a complete FSA–526, Supplemental Disaster Relief Program (SDRP) Stage 1 Application.

Crop losses that were indemnified under Federal crop insurance plans other than APH or yield-based insurance are not eligible for Stage 1 quality loss payments because the crop insurance plan already addresses quality losses for those crops (for example, through price decline for dollar plans and other revenue plans), and the original Stage 1 payment was based on the producer’s underlying Federal crop insurance plan.

Eligibility criteria for Stage 1 quality losses are generally consistent with those used for the previous Quality Loss Adjustment (QLA) Program, which used a similar approach to pay for crop quality losses (see 7 CFR part 760, subpart R). The following are not eligible for Stage 1 quality loss payments:

- Value-loss crops;⁶
- Maple sap;
- Honey;
- Crops for which the producer received a Federal crop insurance indemnity, NAP payment, or Stage 1 payment specified in § 760.2208 based on the quantity of the crop’s production that was considered unmarketable;
- Crops for which the producer previously received a Federal crop insurance indemnity, NAP payment, or Stage 1 payment specified in § 760.2208 for which the crop production was reported as salvage value or secondary use;
- Crops that were destroyed;
- Crops that were prevented from being planted;
- Losses that could have been mitigated through reasonable and available measures;

⁶ Value loss crops are crops for which losses are calculated based on the value of a producer’s inventory before and after a disaster event, rather than based on a yield expressed as a unit of production per acre. Stage 1 payments for value loss crops in the previous rule are based on the difference in the value of the crop before and after the disaster event.

- Crops that were previously adjusted for a quality loss under NAP;
- The portion of quality adjustment previously included in a crop insurance indemnity;
- Trees, bushes, and vines;
- Sugar beets for which a member of a cooperative processor received a payment for the same loss through a block grant or cooperative agreement; and
- Crops that were unharvested.

B. Stage 1 Quality Loss Payment Calculation

Stage 1 quality loss payments will be calculated by applying a quality loss percentage to the producer’s production on file with Risk Management Agency (RMA) or FSA that was used to calculate the producer’s Stage 1 payment announced in the final rule published on July 10, 2025. The quality loss percentage for forage crops is the percentage of loss calculated for a reduction in the nutritional value of the crop based on applicable nutrient factors, such as relative feed value (RFV). The quality loss percentage for all other crops is based on the reduction in value based on applicable grading factors, such as protein or damage. The quality loss percentage is calculated separately for crops based on the crop type, intended use, certified organic or conventional status, county, and crop year.

To determine the quality loss percentage for forage crops, FSA will first determine the acceptable high and low nutritional values, as well as the resulting range determined by subtracting the low nutritional value from the high nutritional value. For example, FSA may determine that the high RFV is 185 and the low RFV is 130; the resulting range is then 55. The producer will submit a verifiable test to FSA that indicates the nutritional value for the impacted production. To be considered verifiable, FSA must be able to verify the test through an independent source. The producer will calculate their quality loss by subtracting the nutritional value from their verifiable test from the high nutritional value determined by FSA, and then will compute the percentage difference by dividing the calculated quality loss by the range determined by FSA. The producer will then calculate the quality loss percentage by taking 100 percent minus that percentage difference. For example, suppose the producer’s verifiable test indicates an RFV of 150. The producer subtracts 150 from 185 (the high value determined by FSA), which equals 35, and then divides 35 by 55 (the range determined by FSA),

⁴ See 90 FR 30565.

⁵ See 90 FR 30566.

which equals 64 percent. The quality loss percentage is 36 percent (100 percent minus 64 percent).

If a producer has production that was not impacted by quality or impacted at a different level, the quality loss percentage must be weighted to account for differing extents of quality loss across all of the producer's production. To determine the weighted quality loss percentage, the producer will first calculate the percent production impacted by quality loss by dividing the impacted production by the total production. Then, the producer determines the weighted quality loss percentage by multiplying the percent impacted production by the quality loss percentage.

As an example, suppose a producer's total hay production was 500 tons. Of that amount, 100 tons were impacted with a 36 percent quality loss as calculated above, 100 tons were impacted with a 50 percent quality loss, and 300 tons were unimpacted with no quality loss. The producer divides 100 tons by 500 tons, which equals 20 percent of production impacted by a quality loss. Twenty percent impacted production multiplied by 36 percent (from above) equals a 7.2 percent weighted quality loss percentage. Twenty percent impacted production multiplied by 50 percent equals a 10 percent weighted quality loss percentage. To determine the total weighted quality loss percentage, the producer adds 7.2 percent plus 10 percent, which equals a 17.2 total weighted quality loss percentage. The producer must enter their total weighted quality loss percentage on the FSA-526Q.

For crops other than forage, the producer will calculate the quality loss percentage by calculating the total reduction for all discounts and then dividing that total reduction for discounts by the expected price the producer would have received at the point of sale if not for the quality discounts. As an example, suppose a crop had a protein discount of \$0.24 and a broken kernels discount of \$0.03, for a total reduction for discounts of \$0.27. The elevator price was \$5.40. The "percent SDRP quality loss" percentage would be \$0.27 divided by \$5.40, which equals 5 percent and is certified by the producer on the FSA-526Q.

For producers with an APH or yield-based plan, the next step involves comparing the RMA-calculated quality loss percentage and the "percent SDRP quality loss" calculated above. For Stage 1 quality loss payments for crops insured under APH and yield-based plans, RMA will provide the total

revenue to count that was used in the calculation of the Stage 1 payment in accordance with § 760.2208(c). RMA will provide the production to count before quality adjustments and the percentage loss that was used to determine the production to count adjusted for quality. If the producer's certified "percent SDRP quality loss" is less than or equal to the RMA quality loss percentage, FSA will not issue a Stage 1 quality loss payment. If it is greater than the RMA quality percentage, FSA will calculate the difference between the two percentages and apply that percentage to the total revenue to count provided by RMA to calculate the Stage 1 quality loss payment.

For NAP-covered yield-based crops, FSA will provide the total revenue to count that was used in the Stage 1 calculation in accordance with § 760.2208(d). The applicant will certify the quality loss percentage on the FSA-526Q. FSA will calculate the Stage 1 quality loss payment by multiplying the revenue to count by the "percent SDRP quality loss," times the producer's share.

All calculated Stage 1 quality loss payment amounts will be multiplied by 35 percent to ensure that total payments do not exceed the available funding.

FSA will issue payments as applications are processed and approved. All SDRP payments are subject to the availability of funding. If additional funding is available after all eligible SDRP applications have been processed and payments have been issued, FSA may issue additional SDRP payments, not to exceed the maximum amount allowed by law.

C. Stage 2 Eligible and Ineligible Losses

SDRP Stage 2 provides assistance for eligible losses of eligible crops, trees, bushes, and vines not covered under Stage 1 (§ 760.2205). Stage 2 covers situations in which the producer had:

- Non-indemnified losses, including quality, under a Federal crop insurance policy;
- A loss covered by a Federal crop insurance policy in Puerto Rico, excluding plantain plants and banana plants insured under Puerto Rico crop insurance provisions;
- NAP coverage, but did not receive a NAP payment, excluding crops with an intended use of grazing;
- Production or quality losses of eligible crops that were uninsured and not covered under NAP;
- An indemnified loss under a Federal crop insurance Annual Forage policy that was ineligible for SDRP Stage 1 because the unit included

acreage that was intended for grazing, but also included acreage intended for forage or grain; or

- An indemnified loss under a Rainfall Index Apiculture policy or Pasture, Rangeland, and Forage policy that was ineligible for SDRP Stage 1 because the producer entered a county located in Connecticut, Hawaii, Maine, or Massachusetts⁷ on their application but the unit also includes land physically located in another state.

As under Stage 1, the loss of the eligible crop, tree, bush, or vine must have been caused, in whole or in part, by a qualifying disaster event.

If a producer has both a NAP policy and a Federal crop insurance policy that address the same potential crop loss, the producer cannot receive a Stage 2 payment based on both the crop insurance policy and the NAP policy. Rather, the producer must elect whether to receive the Stage 2 payment based on the data associated with their Federal crop insurance policy or their NAP policy.

Stage 2 does not cover the following:

- Losses of all crops covered under a Whole Farm Revenue Protection policy for which the producer received an indemnity;
- Quality losses covered under Stage 1 Quality Loss provisions;
- Losses for which the producer received an ERP 2022 Track 1 payment for the 2023 crop year or an ERP 2022 Track 2 payment for which their allowable gross revenue for the 2023 tax year was used as the disaster year revenue;

⁷ FSA is excluding crop, tree, bush, and vine losses in Connecticut, Hawaii, Maine, and Massachusetts from SDRP to avoid compensating producers twice for the same loss. The Act authorized \$220,000,000 to provide block grants to eligible States to provide compensation to producers for necessary expenses related to crop, timber, and livestock losses, including on-farm infrastructure, as a consequence of any weather event in 2023 or 2024 that a State, in its sole discretion, determines warrants such relief. The Act specifies that eligible States are those States with a net farm income for 2023 of less than \$250,000,000, as recorded in the data in the Economic Research Service publication "Farm Income and Wealth Statistics" as of December 3, 2024, and fewer than eight thousand farms and an average farm size of fewer than one thousand acres per farm, as recorded in the National Agricultural Statistics Service publication "Farms and Land in Farms 2023 Summary (February, 2024)." The states that meet those criteria are Alaska, Connecticut, Hawaii, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. As directed by the Act, FSA has worked with eligible States on any necessary terms and conditions for block grants. Connecticut, Hawaii, Maine, and Massachusetts have indicated that the assistance they provide through block grants will cover crop, tree, bush, and vine losses that would otherwise be covered by SDRP. The other eligible states have determined that their block grants will not duplicate crop loss assistance provided through SDRP.

- Sugar beet losses for which a member of a cooperative processor received a payment through a cooperative agreement; and
- Losses of crops, trees, bushes, and vines that were physically located in Connecticut, Hawaii, Maine, or Massachusetts, because those losses will be compensated through block grants with the State departments of agriculture.

These provisions ensure that producers do not receive duplicate benefits for the same loss.

In addition, Stage 2 does not cover:

- Prevented planting losses for crops covered by Federal crop insurance or NAP, regardless of whether the acres were determined ineligible under the terms of the Federal crop insurance plan or NAP provisions, as applicable, because these would already have been included in Stage 1 if they were eligible to be indemnified or paid under NAP;
- Losses of crops that occur after harvest, although such losses may be eligible for OFSCLP, as provided in this rule;
- Losses for which FSA or RMA previously disapproved a notice of loss for the crop and disaster event, unless that notice of loss was disapproved solely because it was filed after the applicable deadline.

Stage 2 also excludes certain losses as provided in § 760.2205(d), such as losses due to poor management decisions or poor farming practices and losses of volunteer crops and crops not intended for harvest. These exclusions are consistent with the intent of the program, which is to provide assistance for losses of commercially produced crops and trees, bushes, and vines used for commercial production of a crop due to qualifying disaster events. Excluding these crops and losses is also consistent with 2017 WHIP and WHIP+.

In addition to general eligibility for Stage 2, certain crops are ineligible for use of a quality loss percentage in the Stage 2 payment calculation (§ 760.2205(e)), such as value loss crops and crops that were destroyed or prevented from being planted. These criteria are consistent with the criteria for eligibility with Stage 1 quality loss payments discussed above.

D. Stage 2 Eligible Crops

For Stage 2, eligible crops include crops, including aquacultural species,⁸

for which a Federal crop insurance policy or NAP coverage was available for the 2023, 2024, or 2025 crop year.⁹ To be eligible, the crop must have been produced in the United States as part of a farming operation and intended to be commercially marketed. Livestock, timber, and crops for grazing are excluded from eligible crops. FSA is amending the definition of “eligible crop” in § 760.2202 to align with this policy. These changes do not affect the eligibility of crops previously included under Stage 1, which already was in alignment with those provisions due to the requirement to have had NAP coverage or Federal crop insurance under a plan specified in § 760.2204(a).

E. Stage 2 Eligible Acres

As described below, Stage 2 payment calculations for some crops will be based on a producer’s eligible acres of an eligible crop. For crops insured under APH or yield-based plans and insured crops in Puerto Rico, the eligible acres will be those acres that were considered eligible under the applicable insurance policy, including the policy’s provisions for initial acreage, double cropping, and subsequently planted crops. For all other eligible crops, the provisions below regarding eligible acreage apply.

For all other eligible crops, eligible acreage will be based on the acres reported on the FSA–578, or the lesser of the reported acres or determined acres, which are the acres established by FSA, if determined acres are available.

Initial crop acreage will be the eligible acreage used to calculate Stage 2 payments, unless the provisions for subsequent crops discussed below are met. Subsequently planted or prevented planted acreage is considered eligible acreage under this subpart only if it meets the requirements discussed below. All plantings of an annual or biennial crop are considered the same as a planting of an initial crop in tropical regions as defined for NAP (7 CFR part 1437, subpart F).

In cases where there is double cropped acreage, such as winter wheat followed by soybeans, each crop may be included in the acreage only if the specific crops are approved by FSA as eligible double cropping practices. Except for insured crops, which follow provisions of their applicable insurance policy, participants with double

cropped acreage of crops that are not approved by FSA may have such acreage included in the acreage for more than one crop only if the participant submits verifiable records establishing a history of carrying out a successful double cropping practice.

If a participant had multiple plantings of the same crop on the same or different acres, such as peas, the participant may receive payments for each planting only if the planting meets the requirements of 7 CFR 1437.

For SDRP Stage 2, the 2023, 2024, and 2025 crop year uninsured prevented planting acres are eligible acres if they meet all requirements of this subpart. The 2023, 2024, and 2025 crop year insured and NAP-covered prevented planting acres are not eligible acres. For prevented planting, the provisions that are generally applicable to other FSA programs (7 CFR part 718) and NAP (7 CFR par 1437) that specify what is considered prevented planting and how it must be documented and reported, apply. As under 2017 WHIP, WHIP+, and NAP, crops located in tropical regions are not eligible for prevented planting. FSA will use the most accurate data available when determining planted and prevented planted acres and disregard acreage of a crop produced on land that is not eligible for Federal crop insurance or NAP coverage.

In cases where crops were insured by a Federal crop insurance area plan, producers must calculate the percentage of eligible acreage by comparing total acreage insured under the respective area plan as shown as RMA acres provided on the FSA–504 and the total acres reported for the eligible crop on the FSA–578. This percentage excludes acres of grazed crops covered by an Annual Forage policy of insurance.

F. Eligible Production

Stage 2 payment calculations will use the producer’s net production for a crop and unit, which includes harvested, appraised, and assigned production, after any applicable production and quality adjustments. This production is referred to as the producer’s “production to count.” For some producers, production to count will be pre-filled based on information previously reported to RMA or FSA as described below.

The harvested production of eligible crop acreage that is harvested more than once in a crop year includes the total harvested production from all the harvests in the crop year.

If a crop is appraised and subsequently harvested for the intended use, the actual harvested production

⁸ Federal crop insurance is available for clams and oysters in certain counties. NAP coverage is available for aquatic organisms grown as food for human consumption as determined by the Commodity Credit Corporation, fish raised as feed for other fish that are consumed by humans, and ornamental fish propagated and reared in an aquatic medium. See 7 CFR 1437.303(a).

⁹ The 2025 crop year is included because a qualifying disaster event occurring in the 2024 calendar year may cause a loss of a crop during the 2025 crop year based on how “crop year” is defined in 7 CFR 760.2202, which is consistent with Federal crop insurance and NAP provisions for eligible crops.

must be taken into account to determine payments. FSA will determine whether a participant's evidence of actual production represents all that could or would have been harvested.

For all crops eligible for loan deficiency payments or marketing assistance loans (see 7 CFR parts 1421 and 1434) with an intended use of grain but harvested for another use such as silage, ensilage, or hay the production will be converted to a whole grain equivalent using conversion factors previously established by FSA. This also applies to commodities that are cracked, rolled, or crimped.

If a participant does not receive compensation based upon the quantity of the commodity delivered to a purchaser but has an agreement or contract for guaranteed payment for production, the determination of the production will be the greater of the actual production or the guaranteed payment converted to production as determined by FSA.

Often producers will commingle production for a variety of reasons. This commingling includes various situations including those in which production from more than one farm and production from more than one crop year are commingled. To be eligible for a payment under this program, the producer must provide evidence that substantiates losses for eligible commodities. The producer is responsible for identifying production

that is commingled between crop years, units, ineligible and eligible acres, or different practices. If the producer cannot provide evidence that adequately identifies such production, FSA may deny the application for payment or prorate such production to each respective crop year, unit, type of acreage, or practice, respectively. Commingled production may be attributed to an applicable unit, if prior to commingling, the producer has documented the production by unit and:

- Provides copies of verifiable documents showing that production of the commodity was purchased, acquired, or otherwise obtained from beyond the unit;
- Had the production measured in a manner approved by FSA; or
- Had the crop year's production appraised in a manner approved by FSA.

FSA will assign production for the unit as provided in § 760.2211(f). FSA will establish a county disaster yield that reflects the amount of production producers would have produced considering the eligible disaster events in the county or area for the same crop. The county disaster yield will be used when:

- Unharvested acreage has not been appraised by FSA or a company reinsured by the Federal Crop Insurance Corporation (FCIC); or
- Acceptable production records for harvested acres are not available from

any source, except in cases where the applicant has indicated a quality loss percentage.

In no case will the production amount of any applicant be less than the producer's certified loss.

Production for eligible adulterated wine grapes will be adjusted for quality deficiencies due to a qualifying disaster event in a manner consistent with the previous 2017 WHIP and WHIP+ (§ 760.2211(i)).

G. Stage 2 Payment Calculations

SDRP Stage 2 uses several calculations to determine the amount of a Stage 2 payment (§§ 760.2218–760.2231). The specific calculation used depends on whether the producer had Federal crop insurance or NAP coverage for the eligible crop, tree, bush, or vine. Similar to Stage 1, for insured crops, the calculation will also depend on the type of crop insurance policy obtained by the producer. The specific calculations are described in more detail below.

Each Stage 2 payment calculation uses an SDRP factor based on the level of Federal crop insurance or NAP coverage the producer had obtained, as specified in the following table. These factors for insured and NAP-covered crops, trees, and vines are consistent with the factors previously established for Stage 1. The SDRP factor for uninsured crops, trees, bushes, and vines will be 70 percent.¹⁰

Type of coverage	Coverage level	SDRP factor (percent)
None Crop insurance	Not applicable	70.0
	Catastrophic coverage	75.0
	More than catastrophic coverage but less than 55 percent	80.0
	At least 55 percent but less than 60 percent	82.5
	At least 60 percent but less than 65 percent	85.0
	At least 65 percent but less than 70 percent	87.5
	At least 70 percent but less than 75 percent	90.0
	At least 75 percent but less than 80 percent	92.5
	At least 80 percent	95.0
NAP	Catastrophic coverage	75.0
	50 percent	80.0
	55 percent	85.0
	60 percent	90.0
	65 percent	95.0

All calculated Stage 2 payment amounts will be multiplied by a final payment factor of 35 percent to ensure that total payments do not exceed the available funding. FSA will issue payments as applications are processed and approved. All SDRP payments are

subject to the availability of funding. If additional funding is available after all eligible SDRP applications have been processed and payments have been issued, FSA may issue additional SDRP payments, not to exceed the maximum amount allowed by law.

1. Insured and NAP-Covered Crops

To be consistent with Stage 1, Stage 2 payments for insured and NAP-covered crops will be based on data already on file with RMA and FSA when available.¹¹ For Stage 2, payments will be calculated in a similar manner

¹⁰ For a discussion of how SDRP factors were established, see 90 FR 30564–30565.

¹¹ For a discussion of how FSA has calculated Stage 1 payments for insured and NAP-covered crops, see 90 FR 30565.

to Stage 1; however, producers will have the ability to certify revised crop information for certain items that are pre-filled on the FSA-504 because the data on file was not used to calculate an indemnity or NAP payment and may require revision. These items may be adjusted by FSA when necessary to reflect the amount supported by the producer's required documentation.

For NAP-covered crops and units without an application for payment on file and insured crops and units, excluding those under area-based plans, the Stage 2 calculation also includes the determination of a potential insured or NAP-covered payment. For example, a producer had NAP coverage for green beans and suffered loss due to an adverse weather event which would have qualified them for assistance under NAP; however, the producer failed to file a notice of loss or application for payment on their green beans. The payment that would have been received represents the amount a producer could have received under the insurance plan or NAP coverage that was obtained for the crop and unit. This amount is excluded from the producer's Stage 2 payment because the intent of SDRP is to provide an additional amount of assistance for insured and NAP-covered crops beyond what was already covered, not the entire amount of assistance up to the SDRP factor. Stage 2 will only pay for the amount calculated beyond the liability under Federal crop insurance or NAP.

As under Stage 1, the Stage 2 calculations also allow producers to certify their quality loss percentage for crops covered under APH and yield-based plans that have eligible quality losses as described above for Stage 1. This provides consistency between Stage 1 and Stage 2 for insured and NAP-covered crops.

The specific payment calculations are provided in §§ 760.2218–760.2221, 760.2223–760.2226, and 760.2230–760.2231. As an example, the following illustrates the Stage 2 payment calculation for a loss of an insured crop under an APH plan (§ 760.2218).

a. Calculated loss = SDRP liability – (production × (1 – quality loss percentage) × price used by RMA to calculate the liability)

b. Potential insured indemnity = (SDRP liability/SDRP factor) × coverage level – (production × price used by RMA to calculate the liability × price election)

c. SDRP Stage 2 payment = (Calculated loss – potential insured indemnity + premium + administrative fee) × 35 percent

To illustrate how this calculation applies to a specific producer's loss, suppose a producer had 100 acres of soybeans that were insured under an APH plan with a 65 percent coverage level with a price election of 100 percent. The producer's yield is 55 bushels per acre, their production was 2,550 bushels, and they had a quality loss of 3 percent (calculated as explained above for Stage 1 quality losses). The SDRP liability provided by RMA is \$48,269.30, which is the crop's expected value based on the producer's crop insurance plan multiplied by the SDRP factor of 87.5 percent. The price used by RMA to calculate the liability is \$10.03 per bushel. The producer paid a premium of \$1,500 and an administrative fee of \$100 for their insurance coverage.

a. $\$48,269.30 - (2,550 \text{ bushels} \times (1 - 0.03) \times \$10.03) = \$23,460.17$

b. $(\$48,269.38/0.875) \times 0.65 - (2,550 \text{ bushels} \times \$10.03 \times 1.00) = \$10,280.75$

c. $(\$23,460.17 - \$10,280.75 + \$1,500 + \$100) \times 0.35 = \$5,172.80$

Insured crop losses in Puerto Rico were excluded from Stage 1 because information for those policies is not transmitted through RMA's standardized Policy Acceptance and Storage System. Therefore, pre-filled applications could not be automatically generated at the time Stage 1 was announced. FSA has now obtained the necessary data to generate pre-filled applications for insured crops in Puerto Rico for both indemnified losses (§ 760.2230) and non-indemnified shallow losses (§ 760.2231). Losses for those crops will be included in Stage 2, except, as noted above, for plantain plants and banana plants.

2. Uninsured Crops

Stage 2 payments for yield-based crop losses will be calculated based on all acreage of the crop in a unit. Adjustments will be applied to the Stage 2 payment calculation based on whether the crop was prevented from being planted or unharvested to account for expenses that were not incurred.

Similar to Stage 1, the Stage 2 payment calculation uses an SDRP liability, which will be based on the county expected yield for uninsured crops, or 65 percent of the county expected yield for crops planted on native sod. The participant's production for the crop year which suffered the loss is based on their acceptable production records for that crop year, as specified in § 760.2207(f). Participants who do not have acceptable records will have their payments limited to the lower of either:

- The actual loss certified by the producer and determined acceptable by FSA; or
- The county disaster yield, as established by FSA.

The following illustrates the Stage 2 payment calculation for a loss of an uninsured yield-based crop:

- SDRP liability = Eligible acres × county expected yield × average market price × SDRP factor of 70 percent
- Calculated loss = (SDRP liability – (production × (1 – quality loss percentage) × average market price × unharvested or prevented payment factor if applicable) – salvage value) × the producer's share
- SDRP Stage 2 payment = Calculated loss × 35 percent

As an example, suppose a producer had 50 acres of watermelons with a 100 percent share. The county expected yield for watermelons was 371.67 cwt/acre with an average market price of \$22.94 per cwt. The producer's production was 12,500.00 cwt with a quality loss of 3 percent. The producer harvested the crop and received no salvage value for the crop.

- $50 \text{ acres} \times 371.67 \text{ cwt/acre} \times \$22.94 \times 0.70 = \$298,413.84$
- $\$298,413.84 - (12,500.00 \text{ cwt} \times (1 - 0.03) \times \$22.94) \times 1.00 = \$20,266.34$
- $\$20,266.34 \times 0.35 = \$7,093.22$

Assessing loss for value loss crops, such as ornamental nursery and aquaculture, is significantly different than for yield-based crops. The participant's inventory of a typical value loss crop may fluctuate from week to week, sometimes rapidly, in the course of normal business operations for reasons that may be unrelated to a disaster. As a result, Stage 2 payments for value loss crops are based on inventory before and after the qualifying disaster event.

The Stage 2 payment calculation for an uninsured value loss crop is as follows:

SDRP Stage 2 payment = (((Dollar value before disaster × SDRP factor of 70 percent) – Dollar value after disaster) × unharvested payment factor if applicable – salvage value) × producer's share × 0.35

As an example, suppose a producer had a nursery crop with a dollar value immediately before the disaster of \$70,000, and a value immediately after the disaster of \$20,000. The producer received no salvage value for the crop and has a 100 percent share. The payment would be calculated as follows:

$$((\$70,000 \times 0.70) - \$20,000) \times 1.00 \times 0.35 = \$10,150$$

NAP provisions for value loss crops (7 CFR part 1437, subpart D) and tropical crop eligibility (7 CFR part 1437, subpart F) apply to SDRP Stage 2. Nursery stock of trees, bushes, and vines are considered value loss crops rather than a tree, bush, or vine loss for SDRP payment calculations.

3. Trees, Bushes, and Vines

Payments for tree, bush, and vine losses will be determined separately for different growth stages, as determined by FSA. FSA will determine an associated price and damage factor for each growth stage to determine the value lost when a tree, bush, or vine is damaged and requires rehabilitation but is not completely destroyed. Insured and uninsured tree, bush, and vine losses will use the same calculation; however, applications for insured losses will be pre-filled with data already on file with RMA.

Stage 2 payments for tree, bush, and vine losses will be calculated as follows:

- a. Expected value = (Number of trees destroyed + number of trees damaged) $\times$ price determined by FSA
- b. Actual value = Expected value – (Number of trees destroyed $\times$ price determined by FSA) – (number of trees damaged $\times$ damage factor $\times$ price determined by FSA)
- c. SDRP Stage 2 payment = (((Expected value $\times$ SDRP factor) – actual value – salvage value) $\times$ producer's share + insurance premium and administrative fees if applicable) $\times$ 0.35

FSA will adjust the number of damaged and destroyed trees, bushes, or vines, if it determines that the number of damaged or destroyed trees, bushes, or vines certified by the participant is inaccurate.

H. How To Apply

To apply for SDRP, a producer must submit an SDRP application to any FSA county office by the close of business on April 30, 2026. This deadline applies to SDRP applications for payments announced in the prior final rule, as well as applications and documentation required for Stage 1 quality loss payments and Stage 2 payments as described below. Producers must submit separate applications for each crop year. The date to apply for payments under this program may, at the sole discretion of FSA, be extended. If FSA makes that decision, the extended date will be set forth at [https://www.fsa.usda.gov/resources/programs/supplemental-](https://www.fsa.usda.gov/resources/programs/supplemental-disaster-relief-program)

disaster-relief-program. Producers may also obtain that information from any FSA county office.

To apply for a Stage 1 quality loss payment, producers must submit a completed FSA–526Q, Supplemental Disaster Relief Program (SDRP) Stage 1 Quality Loss Application. For Stage 2, producers must submit FSA–504, Supplemental Disaster Relief Program (SDRP) Stage 2 Application. FSA will pre-fill some items on the FSA–526Q with information already on file with RMA and FSA. FSA will also pre-fill some items on the FSA–504 for producers who had Federal crop insurance or NAP coverage for a crop and unit. Due to the need to pre-fill data and to develop software corresponding to the different parts of the FSA–504, FSA is processing the data and generating pre-filled forms in stages. As a result of the need to pre-fill applications and develop software to process multiple parts of the FSA–504 for different categories that reflect the application payment calculation for a crop and unit, sign up will begin at different times, in the following anticipated order:

- Stage 2 applications for:
 - Insured crops and NAP-covered crops, excluding insured crops in Puerto Rico; and
 - All uninsured crops;
- Stage 2 applications for insured and uninsured trees, bushes, and vines;
- Stage 1 quality loss applications; and
- Stage 2 applications for insured crops in Puerto Rico.

FSA intends to announce the beginning dates for the application period for each group by press release, and the specific dates will be set forth at <https://www.fsa.usda.gov/resources/programs/supplemental-disaster-relief-program-sdrp>. Producers may also obtain that information from any FSA county office. The application period for the first group will begin on November 24, 2025.

For Stage 1 quality loss payments, the pre-filled FSA–526Q will include the producer's State and county codes, unit numbers, other crop information, and production to count¹² on file with RMA or FSA. It will also include a calculated quality loss percentage provided by RMA for producers who received Federal crop insurance indemnities including a quality adjustment. Producers must enter their certified

quality loss percentage as described above.

For Stage 2 payments, the FSA–504 will include pre-filled information only for insured and NAP-covered crops. Producers must enter any additional data required for the applicable part of the form that corresponds to their crop and unit. For uninsured crops, no data will be pre-filled and producers must provide all required data needed to calculate a payment, as specified in the instructions for the FSA–504.

As under Stage 1, FSA's creation and transmission of a pre-filled FSA–526Q or FSA–504 does not indicate that a producer is eligible for SDRP. For example, some entities with members who are not U.S. citizens or resident aliens may have received Federal crop insurance indemnities. The process of transferring data from RMA to FSA may result in the creation of a pre-filled application for those entities; however, those entities are not eligible for an SDRP payment. Also, FSA's creation and transmission of a pre-filled application does not indicate that a crop and unit listed on the application suffered an eligible loss due to a qualifying disaster event. For example, a crop may have suffered a loss due to drought, but the county did not meet the criteria for qualifying drought as defined in § 760.2202. The producer would not be eligible for payment for those losses under SDRP.

All producers must certify on the FSA–526Q or FSA–504 that they will meet the requirement to purchase Federal crop insurance or NAP coverage for the next 2 available crop years according to § 760.2216. If multiple crops and units are listed on an application, and the producer only agrees to purchase Federal crop insurance or NAP coverage for only some of the crops and units, an SDRP payment will be issued only for those crops and units for which the producer agrees to purchase Federal crop insurance or NAP coverage for the next 2 available crop years.

As under Stage 1, a pre-filled FSA–526Q or FSA–504 for an insured crop and unit will list the primary policy holder and all producers with a substantial beneficial interest (SBI) who have a record established with FSA. Inclusion of an SBI on the application does not mean that the SBI is considered to be an eligible producer; to be considered an eligible producer, an SBI must individually share in the risk of producing the crop and ownership of the crop. If one or more producers with an SBI had a share in a crop, the primary policy holder must update the application to show the share in the

¹² Production to count is the total amount of harvested, appraised, and assigned production, as determined by the applicable Federal crop insurance policy or NAP provisions.

crop for each of those producers in addition to the primary policy holder. If the producer(s) are determined to be eligible for an SDRP payment, payments will be issued to the primary policy holder and to any eligible producers with an SBI based on their ownership share of the crop. To receive a payment, each person or entity listed as having a share of the payment for a crop and unit must sign the application and agree to purchase Federal crop insurance or NAP coverage for that crop and unit in each of the next 2 available crop years.

Producers applying for Stage 1 quality loss payments and Stage 2 payments must also submit acceptable documentation to support their certified quality loss percentage, production, dollar value before and after the qualifying disaster event, and total damaged or destroyed trees, bushes, and vines, as required by § 760.2207 by April 30, 2026. The records that are considered acceptable are consistent with requirements in other FSA programs. FSA is requiring all producers to submit this information as part of their complete application to ensure program integrity. FSA may also require the producer to submit any additional information necessary to support the producer's certifications or determine a producer's eligibility, including but not limited to certification of citizenship status on the CCC-902, Farm Operating Plan, and CCC-901, Member Information for Legal Entities (if applicable), and documentation of the qualifying disaster event and the producer's ownership share and risk in the crop. If FSA requests additional information, the producer must submit the requested information within 60 days or the producer's application will be disapproved and the producer must refund the payment, if previously issued.

For Stage 2, producers must also submit the FSA-578, Report of Acreage, prior to the application deadline for all crops for which payment is requested, with the exception of crops insured under APH or yield-based plans and insured crops in Puerto Rico. Many producers will have previously filed the FSA-578 for the applicable crop years due to their participation in other FSA programs. Producers who have not previously reported their acreage for the applicable crop year may file the FSA-578 even though the deadlines applicable to other FSA programs have passed. Because SDRP is based on a producer's prior year crop year acreage and those eligible commodities have already been harvested, producers who submit late-filed acreage reports for SDRP eligibility will not be required to

pay the cost of a farm inspection and measurement applicable to other FSA programs. If requested by FSA, a producer must also submit additional documentation supporting the late-filed acreage report such as seed receipts, chemical and fertilizer receipts, precision planting records, harvesting records, geospatial data or maps, and published weather data. Producers must submit any required additional documentation within 60 days of the request. Acreage reports that are late-filed for SDRP eligibility will not be used to determine eligibility for other FSA programs for which these reports are required and the deadline applicable to the other programs has passed.

To receive an SDRP payment, producers, including any producers with an SBI who have a risk and share in a crop as indicated on the application, must also have the following forms on file with FSA by the deadline announced by FSA:

- CCC-902, Farm Operating Plan, for an individual or legal entity;
- CCC-901, Member Information for Legal Entities, if applicable; and
- AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification, for the producer and applicable affiliates as provided in 7 CFR part 12.

Most producers will already have these forms on file with FSA due to participation in other FSA programs.

In addition to the forms listed above, producers and members of legal entities who are requesting the increased payment limitations described below may submit the FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs, including the certification from a certified public accountant or attorney that the person or legal entity has met the requirements to be eligible for the increased payment limitation. FSA will continue to accept the FSA-510 until the deadline announced by FSA. If the FSA-510 and the accompanying certification is filed after the SDRP Stage 1 payment is issued but before the deadline to submit the FSA-510, FSA will process the FSA-510 and issue any resulting additional payment amount.

III. OFSCLP

FSA will provide assistance for losses of harvested commodities stored in on-farm structures through OFSCLP using up to \$5 million of the \$30,780,000,000 that was authorized by the Act. The \$5 million funding allocation is based on prior program demand, taking into account funding limitations. Most crop insurance policies do not cover crop loss after harvest, unless a supplemental

policy has been purchased. Many producers who suffered losses while their commodity was stored in an on-farm structure would benefit from this program. The anticipated number of participants is expected to be fewer than the 2018 and 2019 On-Farm Storage Loss Program as on-farm stocks in calendar years 2023 and 2024 were lower than in calendar years 2018 and 2019.

This program is similar to the previous On-Farm Storage Loss Program that provided assistance for losses due to disaster events occurring in the 2018 and 2019 calendar years. OFSCLP will provide payments to eligible producers who suffered losses of eligible commodities, while these commodities were stored in on-farm structures, due to qualifying disaster events that occurred in calendar year 2023 or 2024. Qualifying disaster events for OFSCLP include wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze, including a polar vortex, smoke exposure, qualifying drought, and related conditions that occurred in calendar year 2023 or 2024.

A. Eligible Commodities

Eligible commodities include wheat, oats, barley, corn, grain sorghum, long grain rice, medium grain rice, seed cotton, pulse crops, soybeans, other oilseeds, peanuts, and all hay. These commodities must be produced, harvested, and stored on a farm in the United States. These commodities are typically stored for a period of time before they are marketed or used on the farm for feeding or forage use. Losses of grazed commodities are not included in the OFSCLP.

Eligible commodities must have been harvested and stored in structures, which, under normal circumstances, would have protected and maintained the quality of the commodity for an extended period of time—from harvest to marketing. The damage incurred must have resulted directly from a qualifying disaster event or related condition which made the commodity useless, unsuitable for full value sale, or for reduced salvage value. Losses related to excessive moisture, which happens when a commodity is stored but not dried sufficiently, are not included in this program as it is expected that proper drying should occur as a part of harvest and storage. Quality losses are also not included in this program because these losses are due to preharvest conditions.

Commodity storage structures must have been located on the farm and used for storage of eligible commodities produced and stored on farm until the

commodity is marketed or delivered, or intended for private use on the farm. Commodities stored in commercial storage facilities, wrapped in plastic or other material and left in fields, uncovered by another structure, are not included in the program.

Eligible producers will certify their loss on the FSA–878 application form. As required by 7 CFR 760.1611(f), producers of commingled commodities must submit separate applications for their ownership share to cover all losses.

The following is an example of commingled storage:

- Producers A and B are relatives who harvest corn on neighboring farms but use Bin 1, belonging to Producer A, to store their harvested corn.
- Producer A stored 5,000 bushels of corn and producer B stored 2,000 bushels of corn in Bin 1. Bin 1 was destroyed by a flood.
- Producer A will submit an FSA–878 for a 100 percent share of 5,000 bushels of corn.
- Producer B will submit an FSA–878 for a 100 percent share of 2,000 bushels of corn.
- Both producers will indicate in the remarks section on the FSA–878 that the corn was commingled in Bin 1.

B. Eligible Producers

To be eligible for OFSCLP, a producer must be a:

- Citizen of the United States;
- Resident alien, which for purposes of OFSCLP means “lawful alien” as defined in 7 CFR part 1400;
- Partnership organized under State law consisting solely of citizens of the United States or resident aliens;
- Corporation, limited liability company, or other organizational structure organized under State law consisting solely of citizens of the United States or resident aliens; or
- Indian Tribe or Tribal organization, as defined in section 4(b) of the Indian Self Determination and Education Assistance Act (25 U.S.C. 5304).

These requirements align with the eligibility criteria for SDRP (7 CFR 760.2203) and ELRP 2023 and 2024 FW (7 CFR 760.2103), and MLP as provided in this rule.

C. How To Apply

FSA will accept OFSCLP applications beginning on November 24, 2025.

To apply for OFSCLP, affected producers must submit a completed FSA–878, On-Farm Stored Commodity Loss Program (OFSCLP) Application, as well as all other information required to be furnished under the regulation at the time of application, by the close of

business on January 23, 2026.

Additional loss information or additional producer signatures will be reported on the FSA–878 Continuation form. The date to apply for payments under this program may, at the sole discretion of FSA, be extended. If FSA makes that decision, the extended date will be set forth at <https://www.fsa.usda.gov/resources/programs/farm-stored-commodity-loss-program-ofsclp>. Producers may also obtain that information from any FSA county office.

Applicants must also submit the following items by January 23, 2027, for each applicable program year, to be eligible for payment:

- Form AD–2047, Customer Data Worksheet, for new customers or existing customers who need to update their customer profile;
- Form CCC–901, Member Information for Legal Entities, if applicable;
- Form CCC–902, Farm Operating Plan for an individual or legal entity as provided in 7 CFR part 1400;
- Form AD–1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification, for the OFSCLP applicant and applicable affiliates as provided in 7 CFR part 12; and
- Form FSA–510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs, accompanied by a certification from a certified public accountant or attorney as to that person’s or legal entity’s certification, for participants and members of legal entities to be eligible for the increased payment limitation of \$250,000, if applicable.

The OFSCLP program year is equivalent to the calendar year. Payment will not be issued if required documentation is not on file.

If requested by FSA, the affected producer must provide additional documentation that establishes the affected producer’s eligibility for OFSCLP. If supporting documentation is requested, the documentation must be submitted to FSA within 60 days from the date of the request or the application will be disapproved by FSA and the producer must refund the payment, if previously issued.

D. Payment Calculation

FSA will establish one rate for each eligible disaster year (2023 or 2024) per eligible on-farm stored commodity based on the National Agricultural Statistics Service (NASS) established national Market Year Average (MYA) price, or a rate determined by FSA based on RMA pricing if the NASS MYA price is not available. The NASS

MYA price provides the most accurate benchmark to value on-farm stocks for most grains.

The OFSCLP payment rate uses a factor of 75 percent of the NASS MYA price (or price determined by FSA, as applicable), meaning that the producer must absorb 25 percent of the loss. The 75 percent payment factor is consistent with the payment calculation used under the previous On-Farm Storage Loss Program and the previous MLP. Additionally, Livestock Indemnity Program payment rates are based on 75 percent of the average fair market value of the national price. The 75 percent factor is not a payment reduction factor applied to remain within available funding, which will be discussed subsequently.

The 75 percent payment rate is then multiplied by the producer’s share of the quantity lost while in storage. The dollar value of any compensation received such as salvage or insurance will be deducted from the calculated payment amount.

OFSCLP payments are expected to be additionally factored because program demand is anticipated to exceed the amount of funding available. FSA cannot determine the total number of eligible applicants and resulting program demand for OFSCLP until eligible producers apply for assistance. Due to the need to evaluate program demand, FSA will not issue payments at the onset of the application period. However, during the application period, FSA will evaluate program demand and if the additional payment factor (separate from the 75 percent) can be established, payments may begin to be processed.

On-Farm Storage Loss Program referenced an RMA-determined price in calculating program assistance in the September 2019 program announcement; however, the NASS price is the basis for payments. NASS MYA prices are calculated as a weighted average of the monthly prices collected during the marketing year. This price is FSA’s best approximation of the year in which a loss occurred.

An example of the OFSCLP calculation is shown below, given a corn NASS MYA price of \$3.60 per bushel, a 1,000-bushel volume, and a \$500 payment received from a salvage grain buyer.

$$(\$3.60/\text{bushel} \times 75 \text{ percent OFSCLP factor}) \times 1,000 \text{ bushels less } \$500 \text{ salvage worth} = \$2,200$$

If FSA determines that the total amount of payments for all eligible applicants exceeds the funding allocated to this program, an additional

factor will then be applied, reducing the original amount of \$2,200. This additional factor will be applied to all OFSCLP payments.

E. Payment Limitation

As required by the Act, OFSCLP is subject to payment limitations consistent with 7 CFR 760.1507, as in effect on December 21, 2024. Separate payment limitations apply to each program year (2023 and 2024). The payment limitation for OFSCLP is determined by the person's or legal entity's average adjusted gross farm income. Specifically, a person or legal entity, other than a joint venture or general partnership, cannot receive, directly or indirectly, more than \$125,000 in payments for each year if their average adjusted gross farm income is less than 75 percent of their average adjusted gross income (AGI) for the applicable base period.¹³ If at least 75 percent of the person's or legal entity's average AGI is average adjusted gross farm income and the participant provides the required certification and documentation, as discussed below, the person or legal entity, other than a joint venture or general partnership, is eligible to receive, directly or indirectly, up to \$250,000 for each year.

The determination of average adjusted gross farm income and attribution of payments will apply for OFSCLP payments in the same manner as SDRP. See 90 FR 30565–30566¹⁴ for an explanation of how FSA determines average adjusted gross farm income and attributes payments to legal entities through four levels of ownership.

For consistency in the administration of the payment limitations with other programs authorized by the Act, FSA is adding the definitions of “average adjusted gross farm income”, “average AGI”, “base period”, “farming operation”, “income derived from farming, ranching, and forestry operations”, “legal entity”, “ownership interest”, “production inputs”, and “production services” in § 760.1602, and updating the provisions of § 760.1608.

F. Miscellaneous Changes

FSA is amending the provisions of 7 CFR part 760, subpart P, to update the applicable OFSCLP program years and qualifying disaster events, consistent

with the Act, throughout the subpart. This rule also removes terms from § 760.1702 that are no longer used in the regulations.

IV. MLP

MLP will provide payments to dairy operations for milk that was dumped or removed without compensation from the commercial milk market in calendar (program) years 2023 and 2024 due to qualifying disaster events, including dairy operations partially compensated by the Federal Marketing Milk Order (FMMO) regional dairy pools for milk dumped or removed, using up to \$1,650,000 of the \$30,780,000,000 that was authorized by the Act. The funding allocation was determined based on a combination of limited funding and expected demand based on participation in previously administered MLPs. MLP has provided vital support to affected farmers by compensating for dumped milk due to severe weather events. Consistent with FSA's administration of the program in prior years, the milk loss base period is the first full month of milk production before the dumping or removal of milk first occurred due to a qualifying disaster event. Base period milk production is used to determine the average daily milk production from the cows in the dairy operation. The average daily milk production calculation includes the number of cows, the pounds of milk marketed for the month, and the number of days in the month.

The claim period for milk loss is each calendar month that milk was dumped or removed from the commercial market due to a qualifying disaster event. Each milk loss application covers the loss in a single calendar month. Milk loss that occurs in more than one calendar month due to the same qualifying disaster event requires a separate application for each month. For example, if the loss occurs at the end of a month and crosses over into the next month (say, August 28 through September 3), the producer must file two separate applications—one for August and one for September. The days that are eligible for indemnification begin on the date the milk was removed or dumped, and continue through the last consecutive day milk was removed or dumped. Once the dairy operation returns to the normal marketing of milk, the dairy operation is no longer eligible for assistance for milk removed or dumped due to that qualifying disaster unless, after the commercial marketing of milk has been restarted, additional milk is removed or dumped due to the same qualifying disaster event. For MLP, the duration of yearly claims is limited to

30 days per year for each of calendar years 2023 and 2024.

The fair market value of removed or dumped milk for the days milk was dumped and not marketed, reflects the dollar value the dairy operation would have received if it had commercially marketed such milk. The dairy operation's milk marketing statement from the claim period will be used to determine the fair market value of the removed or dumped milk, based on the net dollar value received for milk marketings from the applicable month of the claim period, and to verify the days milk was not marketed.

A. Affected Farmer Eligibility

To be eligible for MLP, an affected farmer must be a:

- Citizen of the United States;
- Resident alien, which for purposes of MLP means “lawful alien” as defined in 7 CFR part 1400;
- Partnership organized under State law consisting solely of citizens of the United States or resident aliens;
- Corporation, limited liability company, or other organizational structure organized under State law consisting solely of citizens of the United States or resident aliens; or
- Indian Tribe or Tribal organization, as defined in section 4(b) of the Indian Self Determination and Education Assistance Act (25 U.S.C. 5304).

These requirements align with the eligibility criteria for SDRP (7 CFR 760.2203), ELRP 2023 and 2024 FW (7 CFR 760.2103), and OFSCLP as provided in this rule.

B. How To Apply

USDA will accept MLP applications beginning November 24, 2025. To apply for MLP, affected farmers in a dairy operation must submit a complete FSA–376, Milk Loss Program Application, with applicable milk marketing statements and a detailed written statement of circumstances of the milk removal, at the time of application, by January 23, 2026. The date to apply for payments under this program may, at the sole discretion of FSA, be extended. If FSA makes that decision, the extended date will be set forth at <https://www.fsa.usda.gov/resources/programs/milk-loss-program-mlp>. Producers may also obtain that information from any FSA county office. Applicants must also submit all of the following items by January 23, 2027, if not previously filed with FSA:

- (1) Form AD–2047, Customer Data Worksheet, for new customers or existing customers who need to update their customer profile;

¹³ The base period is 2019, 2020, and 2021 for the 2023 program year; and 2020, 2021, and 2022 for the 2024 program year.

¹⁴ On July 10, 2025, FSA announced the Supplemental Disaster Relief Program (SDRP) Stage 1 available at <https://www.federalregister.gov/documents/2025/07/10/2025-12803/supplemental-disaster-relief-program-sdrp-stage-1>.

(2) Form CCC–901, Member Information for Legal Entities, if applicable;

(3) Form CCC–902, Farm Operating Plan, for an individual or legal entity as provided in 7 CFR part 1400;

(4) Form FSA–510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs, accompanied by a certification from a certified public accountant or attorney as to that person's or legal entity's certification, for participants and members of legal entities to be eligible for the increased payment limitation of \$250,000, if applicable; and

(5) Form AD–1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification, for the MLP applicant and applicable affiliates as provided in 7 CFR part 12.

If requested by FSA, the affected farmer must provide additional documentation that establishes the affected farmer's eligibility for MLP. If supporting documentation is requested, the documentation must be submitted to FSA within 60 days from the date of the request or the application will be disapproved by FSA and the producer must refund the payment, if previously issued.

C. Payment Calculation

Consistent with the previous administration of MLP, the payment calculation is as follows:

$((\text{Base period pounds per cow average daily milk production} \times \text{number of milking cows in claim period} \times \text{number of days milk was removed or dumped in claim period}) \div 100^{15}) \times \text{per hundredweight pay price}.$

The per hundredweight pay price is calculated as follows:

$\text{Gross pay price from claim period milk marketing statement} - \text{the hauling rate}^{16} - \$0.15 \text{ promotion fee} = \text{per hundredweight pay price}.$

For the 2023 and 2024 calendar years, the final MLP payment is determined by factoring the MLP payment by 75 percent for all participants, meaning that the producer has to absorb 25 percent of the loss. Use of a 75 percent factor is consistent with the factor used for most FSA disaster programs. This factor is not a payment factor applied to remain within available funding, which will be discussed subsequently.

Dairy operations that apply for MLP will provide, at the time of application:

- The milk marketing statement for the month prior to the month that the milk was removed or dumped;
- The milk marketing statement for the affected month; and
- A detailed written statement of the circumstances of the milk removal, including the type and geographic scope of the weather event, what transportation limitations occurred, and any information on what was done with the removed milk production.

In addition, any other pertinent information that further describes the reason why milk was removed or dumped should be included to provide FSA the necessary information to determine eligibility for MLP, as well as all other information required to be furnished in the regulation. This information must be provided prior to the application deadline. FSA county offices can assist dairy operations in completing the MLP application.

MLP payments are expected to be factored because program demand is anticipated to exceed the amount of funding available. FSA cannot determine the total number of eligible applicants and resulting program demand for MLP until eligible producers apply for assistance. Due to the need to evaluate program demand, FSA will not issue payments at the onset of the application period. However, during the application period, FSA will evaluate program demand, and FSA may begin to process payments depending on whether an additional payment factor is needed.

D. Payment Limitation

As required by the Act, MLP is subject to payment limitations consistent with 7 CFR 760.1507, as in effect on December 21, 2024. A separate payment limitation is applicable to MLP for each program year.

The payment limitations are determined by the person's or legal entity's average adjusted gross farm income. Specifically, a person or legal entity, other than a joint venture or general partnership, cannot receive, directly or indirectly, more than \$125,000 in payments if their average adjusted gross farm income is less than 75 percent of their average adjusted gross income (AGI) for the applicable base period. If at least 75 percent of the person's or legal entity's average AGI is average adjusted gross farm income and the participant provides the required certification and documentation, as discussed below, the person or legal entity, other than a joint venture or general partnership, is eligible to receive, directly or indirectly, up to \$250,000 for each program year.

The determination of average adjusted gross farm income and attribution of payments will apply for MLP payments in the same manner as SDRP. See 90 FR 30565–30566¹⁷ for an explanation of how FSA determines average adjusted gross farm income and attributes payments to legal entities through four levels of ownership.

For consistency in the administration of the payment limitations with other programs authorized by the Act, FSA is revising the definitions of “average adjusted gross farm income” and “average adjusted gross income” and adding definitions of “farming operation”, “legal entity”, “production inputs”, and “production services” in § 760.1702, and updating the provisions of § 760.1709.

E. Miscellaneous Changes

FSA is amending the provisions of 7 CFR part 760, subpart Q, to update the applicable MLP program years and qualifying disaster events, consistent with the Act, throughout the subpart. This rule also removes terms from § 760.1702 that are no longer used in the regulations.

V. ELRP

This final rule extends the deadlines for ELRP 2023 and 2024 and ELRP 2023 and 2024 FW. The deadlines for these programs were announced in a final rule published on September 15, 2025.¹⁸ FSA is amending § 760.2004(a) to specify that the deadline to have an approved LFP application on file for the applicable year (2023 or 2024) for ELRP 2023 and 2024 eligibility is November 21, 2025. FSA is also amending § 760.2107(a) to specify that November 21, 2025, is the deadline to submit FSA–970, Emergency Livestock Relief Program 2023 and 2024 Flood and Wildfire Application, for the applicable year (2023 or 2024), and supporting documentation that verifies the producer's livestock inventories reported on the FSA–970.

VI. Regulatory Analyses

A. Notice and Comment and Effective Date

The Administrative Procedure Act (APA, 5 U.S.C. 553(a)(2)) provides that the notice and comment and 30-day delay in the effective date provisions do not apply when the rule involves specified actions, including matters relating to benefits or contracts. This rule governs disaster assistance payments to agricultural producers and

¹⁵ The amount is divided by 100 to convert to hundredweight.

¹⁶ The hauling rate is obtained from the producer's milk marketing statement submitted at the time of application.

¹⁷ See footnote 13.

¹⁸ See 90 FR 44299.

therefore falls within the benefits exemption.

This rule is exempt from the regulatory analysis requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) because it involves matters relating to benefits. The requirements for the regulatory flexibility analysis in 5 U.S.C. 603 and 604 are specifically tied to the requirement for a proposed rule by section 553 or any other law; in addition, the definition of rule in 5 U.S.C. 601 is tied to the publication of a proposed rule.

The Office of Management and Budget (OMB) found this rule meets the criteria in 5 U.S.C. 804(2) of the Congressional Review Act (CRA), which would ordinarily necessitate delaying its effective date for 60 days (5 U.S.C. 801(a)(3)(A)). However, the CRA, at 5 U.S.C. 808(2), allows an agency to make such regulations effective immediately if the agency finds there is good cause to do so. USDA has determined that such good cause exists here. The beneficiaries of this rule are agricultural producers who have been significantly impacted by disaster events, which resulted in losses due to the impact of disaster events in calendar years 2023 and 2024, and this assistance is necessary to help those producers sustain their normal business operations. To mitigate further harm to those producers for losses due to qualifying events that were beyond their control, USDA finds that notice and public procedure are contrary to the public interest. Therefore, USDA is not required to delay the effective date for 60 days from the date of publication to allow for Congressional review. Accordingly, this rule is effective upon publication in the **Federal Register**.

B. Executive Orders 12866, 13563, and 14192

Executive Order 12866, “Regulatory Planning and Review,” and Executive

Order 13563, “Improving Regulation and Regulatory Review,” direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasized 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,” announced the Administration policy to significantly reduce the private expenditures required to comply with Federal regulations to secure America’s economic prosperity and national security and the highest possible quality of life for each citizen and to alleviate unnecessary regulatory burdens placed on the American people. In line with the Executive Order requirements, the Agency chose this regulatory approach, which is consistent with policy for similar previous programs where appropriate for SDRP, OFSCLP, and MLP, and uses pre-filled data for SDRP when that information is already on file with USDA, to maximize benefits and minimize burden on American producers. This rule is not an Executive Order 14192 regulatory action because it does not impose any more than de minimis regulatory costs.

The Office of Management and Budget (OMB) designated this rule as economically significant under Executive Order 12866, section 3(f)(1), and therefore, OMB has reviewed this rule. The costs and benefits of this rule are summarized below. The full CBA is available on [regulations.gov](https://www.regulations.gov).

C. Cost Benefit Analysis Summary

The three components of this rule are all independent of one another in terms of expected outlays, which are expected to total to \$2.71 billion:

- FSA is using \$16.09 billion of the \$30.78 billion authorized by the American Relief Act, 2025, to implement SDRP. SDRP Stage 1 covered those producers who received a NAP or certain RMA indemnities. SDRP Stage 2, the focus here, covers eligible producers who suffered an eligible loss in the following categories: (1) those who did not participate in certain RMA (Federal crop insurance) programs or NAP; (2) those with “shallow” losses too small to trigger an RMA or NAP payment; and (3) those with quality losses that were not covered by RMA or NAP policies and quality losses where the producer did not have Federal crop insurance or NAP coverage. SDRP Stage 2 accounts for 27 percent of total estimated gross SDRP payments, which are estimated at \$2.7 billion after factoring to stay within allocated funding limits.

- OFSCLP will provide payments to eligible producers who suffered uncompensated losses of harvested commodities stored in on-farm structures due to wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze, including a polar vortex, smoke exposure, and qualifying drought that occurred in the 2023 and 2024 calendar years. Payments are capped at \$5 million, the limitation imposed due to funding constraints.

- The Milk Loss Program will provide payments to eligible dairy operations for milk that was dumped or removed without compensation from the commercial milk market due to droughts, wildfires, hurricanes, floods, derechos, tornadoes, excessive moisture, excessive heat, winter storms, freeze, including a polar vortex, and smoke exposure that occurred in the 2023 and 2024 calendar years. Outlays are capped at \$1.65 million due to budget constraints.

ESTIMATED COSTS OF THREE PROGRAMS

Program	2023 and 2024 estimated gross payments	Estimated factor (percent)	Total payments (with factor, if needed)
SDRP Stage 2	\$7.6 billion	35	\$2.7 billion
On-Farm Storage (using Scenario #3)	16.1 million	31	5.0 million
Milk Loss	3.3 million	50	1.65 million
Total			2.71 billion

D. Environmental Review

The environmental impacts have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347) and the USDA regulation for compliance with NEPA (7 CFR part 1b).

The purpose of SDRP is to provide payments to eligible producers who suffered eligible crop, tree, bush, and vine losses due to qualifying disaster events that occurred in calendar year 2023 or 2024. OFSCLP will provide payments to eligible producers who suffered uncompensated losses of harvested commodities stored in on-farm structures as a result of qualifying disaster events that occurred in calendar year 2023 and 2024. MLP will provide payments to eligible dairy operations for milk that was dumped or removed without compensation from the commercial milk market due to qualifying disaster events in calendar year 2023 and 2024. The limited discretionary aspects of these programs do not have the potential to impact the human environment as they are administrative. Accordingly, these discretionary aspects are covered by the FSA Categorical Exclusions specified in 7 CFR 1b.4(c)(16)(viii) that apply to individual farm participation in FSA programs where no ground disturbance or change in land use occurs as a result of the proposed action or participation, and 7 CFR 1b.(c)(16)(ix) that applies to safety net programs.

No Extraordinary Circumstances (§ 1b.3(f)) exist because these are administrative payment programs. As such, the implementation of and participation in SDRP, OFSCLP, and MLP do not constitute major Federal actions that would significantly affect the quality of the human environment, individually or cumulatively. Therefore, FSA will not prepare an environmental assessment or environmental impact statement for this action and, consistent with § 1b.3(g), this document serves as the programmatic finding of applicability and no extraordinary circumstance (FANEC) for this Federal action.

E. Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments.” Executive Order 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.

USDA has assessed the impact of this rule on Indian Tribes and determined that this rule does not, to our knowledge, have Tribal implications that required Tribal consultation at this time. If a Tribe requests consultation, the USDA Farm Service Agency will work with the Office of Tribal Relations to ensure meaningful consultation is provided.

F. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA, Pub. L. 104–4) requires Federal agencies to assess the effects of their regulatory actions of State, local, and Tribal governments or the private sector. Agencies generally must prepare a written statement, including cost benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures of \$100 million or more in any 1 year for State, local or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates, as defined in Title II of UMRA, for State, local and Tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

G. Paperwork Reduction Act Requirements

The Paperwork Reduction Act of 1995 (44 U.S.C. Chap. 35; see 5 CFR part 1320), requires that OMB approve all collections of information by a Federal agency from the public before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current valid OMB control number. The information collection request has been approved by OMB under the control number of 0503–0028; Expiration Date: 10/31/2027. FSA will issue payments to producers using the following forms: CCC–901, CCC–902E, CCC–902I, AD–1026, AD–2047, FSA–578 and FSA–510. In addition, for the information collection under 0503–0028; Expiration Date: 10/31/2027, the agency is seeking to use FSA–878, FSA–878 Cont., FSA–376, FSA–504, and FSA–526Q with this data collection.

The AD–1026 is exempt.¹⁹ The FSA–878, FSA–878 Cont., FSA–376, FSA–504, and FSA–526Q are the only new data collection activities associated with this request. The total annual burden hours for this information collection is 118,131 (117,693 SDRP + 242 OFSCLP + 196 MLP). See tables below for the breakout. This final rule is a one-time announcement of Federal financial assistance funding for SDRP Stage 1 quality loss assistance, SDRP Stage 2, OFSCLP, and MLP.²⁰

For Further Information Contact: Requests for additional information or copies of this information collection should be directed to:

- For SDRP, Kathy Sayers; telephone: (202) 720–6870; or email: Kathy.Sayers@usda.gov;

- For OFSCLP, Shayla Watson; telephone: (202) 690–2350; or email: Shayla.Watson@usda.gov; and

- For MLP, Douglas E. Kilgore; telephone: (717) 887–0963; or email: Douglas.E.Kilgore@usda.gov.

Title: Agricultural Disaster Indemnity Programs.

Form Numbers: CCC–901, CCC–902E, CCC–902I, AD–1026, AD–2047, FSA–376, FSA–504, FSA–510, FSA–526Q, FSA–578, FSA–878, FSA–878 Cont.

OMB Number: 0503–0028.

Expiration Date: 10/31/2027.

Type of Request: Revision to Generic Information Collection.

Abstract: As authorized by Section 2102 of Division B of Title I of the American Relief Act, 2025 (“the Act”; Pub. L. 118–158), FSA is administering this rule to provide assistance for eligible quality losses under Stage 1 of the Supplemental Disaster Relief Program (SDRP) and to implement Stage 2 of SDRP, the On-Farm Stored Commodity Loss Program (OFSCLP), and the Milk Loss Program (MLP). SDRP 2 will use up to \$2.7 billion in funds; OFSCLP will use up to \$5 million in funds; and MLP will use up to \$1.65 million in funds. Due to limited funding, payments may be factored.

The PRA section of this rule will be discussed in three separate components: Supplemental Disaster Relief Program Stage 1 Quality Loss Assistance and Stage 2, On-Farm Stored Commodity Loss Program, and Milk Loss Program.

¹⁹This information collection is exempted from the Paperwork Reduction Act as specified in the Agricultural Act of 2014 (Pub. L. 113–79, Title II, Subtitle G, Funding and Administration).

²⁰OMB previously approved the information collection requests for ELP 2023 and 2024 (90 FR 46319) and ELP 2023 and 2024 FW (90 FR 44306). The OMB control number for these requests is 0503–0028. There is no change to the estimated respondents or burden hours for those programs as a result of this final rule.

Component 1: Supplemental Disaster Relief Program Stage 1 Quality Loss Assistance and Stage 2

FSA is administering SDRP to provide assistance to producers for losses of crops, trees, bushes, and vines due to wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought, and related conditions that occurred in calendar year 2023 and 2024. SDRP will use approximately \$16.09 billion in funds. FSA is administering SDRP in two stages, referred to as Stage 1 and Stage 2. Stage 1 was announced in a final rule published on July 10, 2025 (90 FR 30561), and the information collection for Stage 1 was approved at the time of rule publication. FSA is now announcing additional assistance for quality losses for certain crops that were previously included in Stage 1, as well as Stage 2 assistance for uninsured

crops, trees, bushes, and vines; losses that were insured but did not have a loss that was severe enough to result in an indemnity; and indemnified losses in Puerto Rico.

Producers who suffered eligible Stage 1 quality losses are required to submit FSA-526Q, SDRP Stage 1 Application for Quality Losses, and producers who suffered eligible losses under Stage 2 are required to submit FSA-504, SDRP Stage 2 Application. Applicants will submit a separate FSA-526Q or FSA-504 for each application crop year (2023, 2024, 2025) by the application deadline. Applicants must also submit documentation to support the certified quality loss percentage, amount of crop production or inventory, and number of damaged or destroyed trees, bushes, or vines, as applicable for their application. Stage 2 applicants must also submit FSA-578, Report of Acreage, if not already on file for the applicable crop year. Other forms required are the CCC-902, Farm

Operating Plan, for an individual or legal entity as provided in 7 CFR part 1400; CCC-901, Member Information for Legal Entities, if applicable; AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification, for the participant and applicable affiliates; and FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs, for participants and members of legal entities to be eligible for the increased payment limitation of \$250,000, as applicable.

Affected Public: Farms or businesses for profit (Agricultural producers).

Estimated Number Respondents: 72,106.

Estimated Number of Responses per Respondent: 3.54277758.

Estimated Number of Total Annual Responses per Respondent: 255,456.

Estimated Time per Respondent: 0.46071759 hours.

Estimated Total Annual Burden on Respondents: 117,693 burden hours.

Burden activity or form	Number of respondents	Number of responses per respondent	Total annual responses	Hours per response	Total hours per year
Application Process					
FSA-526Q, SDRP Stage 1 Application for Quality Losses	23,500	1.2	28,200	0.5	14,100
FSA-504, SDRP Stage 2 Application	48,606	1.3	63,188	0.75	47,391
CCC-901, Member Information for an Entity	486	1	486	0.5	243
CCC-902E, Farm Operating Plan for an Entity	2,430	1	2,430	0.5	1,215
CCC-902I, Farm Operating Plan for an Individual	2,430	1	2,430	0.5	1,215
FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs	1,944	1.3	2,527	0.0835	211
AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification	972	1	972	0.0835	EXEMPT
FSA-578, Report of Acreage	14,582	1.3	18,957	0.5	9,478
Documentation of crop, tree, bush, and vine losses	72,106	1	72,106	0.5	36,053
Subtotal	72,106	2.652977561	191,296	0.574535803	109,906
Compliance Process					
Initial Notification Letter—Compliant	38,885	1	38,885	0.0835	3,247
Initial Notification Letter—May Request Review	9,721	1	9,721	0.0835	812
Gather information and respond to FSA	5,833	1	5,833	0.5	2,916
Second Notification Letter—Determination	9,721	1	9,721	0.0835	812
Subtotal	48,606	1.32	64,160	0.121363636	7,787
Total Estimates	72,106	3.54277758	255,456	0.46071759	117,693

There are 72,106 respondents anticipated for this data collection. The "Number of Respondents" column is not a sum. It represents the same respondents submitting responses related to different activities for this data collection; therefore, these respondents are not double counted.

The FSA-504 and FSA-578 must be filed for each applicable crop year for which the producer is applying for payment. The FSA-510 must also be

filed for each applicable crop year for which the producer is requesting an exception to the \$125,000 payment limitation. Because some producers will apply for multiple years, the average number of responses per respondent is 1.3 for those forms.

Component 2: On-Farm Stored Commodity Loss Program

OFSCLP provides payments to eligible producers who suffered

uncompensated losses of harvested commodities stored in on-farm structures as a result of wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze, including a polar vortex, smoke exposure, qualifying drought, and related conditions that occurred in calendar year 2023 or 2024.

To apply for the OFSCLP, producers must submit a complete FSA-878, On-Farm Stored Commodity Loss Program

(OFSCLP) Application, as well as all other information required to be furnished under the regulation at the time of application. If the producer has additional losses or if signatures are required in excess of what can be provided on the FSA-878, the producer(s) must complete and sign the

FSA-878 Continuation form. The FSA-878 and FSA-878 Continuation are the only new data collection activities associated with this request.

Affected Public: Farms or businesses for profit (Agricultural producers).

Estimated Number Respondents: 550.

Estimated Number of Responses per Respondent: 1.90909091.

Estimated Number of Total Annual Responses per Respondent: 1,050.

Estimated Time per Respondent: 0.2304762 hours.

Estimated Total Annual Burden on Respondents: 242 burden hours.

Burden activity or form	Number of respondents	Number of responses per respondent	Total annual responses	Hours per response	Total hours per year
FSA-878, On-Farm Stored Commodity Loss Program Application	550	1	550	0.25	138
FSA-878 Continuation, On-Farm Stored Commodity Loss Program Application	50	1	50	.25	13
CCC-901, Member Information for an Entity	50	1	50	0.5	25
CCC-902E, Farm Operating Plan for an Entity	50	1	50	0.5	25
CCC-902I, Farm Operating Plan for an Individual	50	1	50	0.5	25
FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs	100	1	100	0.0835	8
AD-2047, Customer Data Worksheet	100	1	100	0.835	8
AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation Certification (WC)	100	1	100	0.0835	EXEMPT
Subtotal Estimates	550	1.909090	1,050	0.2304762	242

There are 550 respondents anticipated for this data collection. The "Number of Respondents" column is not a sum, it represents the same respondents participating in different activities for this data collection; therefore, these respondents are not double counted.

Component 3: Milk Loss Program

FSA is administering MLP to provide payments to affected farmers in a dairy operation for milk that was dumped or removed without compensation from the commercial milk market due to wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought, and related

conditions that occurred in calendar year 2023 or 2024.

Affected farmers in a dairy operation who suffered eligible milk losses are required to submit FSA-376, Milk Loss Program Application. Applicants must also provide milk marketing statements and a detailed written statement of the circumstances of the milk removal as documentation. Other forms required are the CCC-902, Farm Operating Plan, for an individual or legal entity as provided in 7 CFR part 1400; CCC-901, Member Information for Legal Entities, if applicable; AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification, for the participant and applicable affiliates; AD-2047, Customer Data Worksheet and FSA-510, Request for an Exception

to the \$125,000 Payment Limitation for Certain Programs, for participants and members of legal entities to be eligible for the increased payment limitation of \$250,000, as applicable. The FSA-376 and milk marketing statements are the only new data collection activities associated with this request.

Affected Public: Farms or businesses for profit (Agricultural producers).

Estimated Number Respondents: 250.

Estimated Number of Responses per Respondent: 4.8.

Estimated Number of Total Annual Responses per Respondent: 1200.

Estimated Time per Respondent: 0.1633 hours.

Estimated Total Annual Burden on Respondents: 196 burden hours.

Burden activity or form	Number of respondents	Number of responses per respondent	Total annual responses	Hours per response	Total hours per year
FSA-376, Milk Loss Program Application	250	1	250	0.25	63
Milk Marketing Statements for Base and Claim Period	250	2	500	0.0835	42
CCC-901, Member Information for an Entity	50	1	50	0.50	25
CCC-902E, Farm Operating Plan for an Entity	50	1	50	0.50	25
CCC-902I, Farm Operating Plan for an Individual	50	1	50	0.50	25
FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs	100	1	100	0.0835	8
AD-2047, Customer Data Worksheet	100	1	100	0.0835	8
AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation Certification (WC)	100	1	100	0.0835	Exempt
Subtotal Estimates	250	4.80	1200	0.163333	196

There are 250 respondents anticipated for this data collection. The "Number of Respondents" column is not a sum, it

represents the same respondents participating in different activities for

this data collection; therefore, these respondents are not double counted.

The FSA–376 must be filed by each affected farmer applying for payment. The FSA–510 must also be filed for each applicable year for which the affected farmer is requesting an exception to the \$125,000 payment limitation. Because some affected farmers will apply for multiple years, the average number of responses per respondent is 0.1633 hours for those forms.

Grand Totals

In total, FSA estimates this rule will require 72,906 respondents and a total of 118,131 burden hours. There is a minimal number of producers, less than 10, anticipated to apply to more than one of the programs. Once this request has been approved by OMB, the agency plans to publish another notice in the **Federal Register** announcing OMB approval. There is no recordkeeping or third-party burden on the respondents.

H. E-Government Act Compliance

FSA is committed to complying with the E-Government Act of 2002, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Federal Assistance Programs

The titles and numbers of the Federal assistance programs, as found in the Assistance Listing, to which this document applies are 10.986—Emergency Livestock Relief Program 2023 and 2024, 10.987—Emergency Livestock Relief Program (ELRP) 2023 and 2024 Flood and Wildfire (FW), 10.988—Supplemental Disaster Assistance Program; 10.989—On-Farm Stored Commodity Loss Program, and 10.965—Milk Loss Program.

List of Subjects in 7 CFR Part 760

Acreage allotments, Dairy products, Indemnity payments, Pesticides and pest, Reporting and recordkeeping requirements.

For the reasons discussed above, The Farm Service Agency amends 7 CFR part 760 as follows:

PART 760—INDEMNITY PAYMENT PROGRAMS

- 1. The authority citation for part 760 continues to read as follows:

Authority: 7 U.S.C. 4501 and 1531; 16 U.S.C. 3801, note; 19 U.S.C. 2497; Title III, Pub. L. 109–234, 120 Stat. 474; Title IX, Pub. L. 110–28, 121 Stat. 211; Sec. 748, Pub. L. 111–80, 123 Stat. 2131; Title I, Pub. L. 115–123, 132 Stat. 65; Title I, Pub. L. 116–20, 133 Stat. 871; Division B, Title VII, Pub. L. 116–94, 133 Stat. 2658; Title I, Pub. L. 117–43,

135 Stat. 356; and Division N, Title I, Pub. L. 117–328, 136 Stat. 4459; Division B, Title I, Pub. L. 118–158, 138 Stat. 1722.

Subpart P—On-Farm Stored Commodity Loss Program

- 2. Revise the heading of subpart P to read as set forth above.
- 3. Revise § 760.1600 to read as follows:

§ 760.1600 Applicability.

(a) This subpart specifies the terms and conditions for the On-Farm Stored Commodity Loss Program (OFSCLP). The On-Farm Stored Commodity Loss Program will provide payments to eligible producers who suffered uncompensated losses of harvested commodities stored in on-farm structures as a result of wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze, including a polar vortex, smoke exposure, qualifying drought, and related conditions that occurred in calendar year 2023 or 2024.

(b) The regulations in this subpart are applicable to crops of wheat, oats, barley, corn, grain sorghum, long grain rice, medium grain rice, seed cotton, pulse crops, soybeans, other oilseeds, peanuts, and all hay stored in on-farm structures.

- 4. Amend § 760.1601 as follows:
 - a. Revise paragraphs (a), (b) and (d);
 - b. Remove paragraphs (e) through (g).
 The revisions read as follows.

§ 760.1601 Administration.

(a) The On-Farm Stored Commodity Loss Program will be administered under the general supervision and direction of the FSA Administrator and will be carried out in the field by FSA State and county committees, respectively.

(b) State and county committees, and representatives and their employees, do not have authority to modify or waive any of the provisions of the regulations set forth in this part.

* * * * *

(d) No provision or delegation to an FSA State or county committee will preclude the FSA Administrator, the Deputy Administrator, or a designee, from determining any question arising under this subpart, or from reversing or modifying any determination made by an FSA State or county committee.

- 5. Amend § 760.1602 as follows:
 - a. In the introductory text, remove the second sentence;
 - b. Add the definition of “Average adjusted gross farm income”, “Average AGI”, and “Base period” in alphabetical order;

- c. Remove the definitions of “CCC” and “COC”;
- d. Add the definitions of “Commercial storage”, and “Commingled” in alphabetical order;
- e. Remove the definitions of “Covered commodity” and “Crop year”;
- f. Add the definitions of “Eligible on-farm stored commodity”, “Farming operation”, “Income derived from farming, ranching, and forestry operations”, “IRS”, “Legal entity”, “Market Year Average (MYA) Price”, “NASS”, “Ownership interest”, “Production Inputs”, and “Production services” in alphabetical order;
- g. Revise the definition of “Qualifying disaster event”;
- h. Add the definition of “Qualifying drought” in alphabetical order;
- i. Remove the definition of “Recording FSA County Office”;
- j. Revise the definition of “Related condition”;
- k. Remove the definition of “STC”; and
- l. Add the definition of “U.S. Drought Monitor” in alphabetical order.

The additions and revisions read as follows.

§ 760.1602 Definitions.

* * * * *

Average adjusted gross farm income means the average of the person’s or legal entity’s adjusted gross income derived from farming, ranching, or forestry operations, including losses, for the base period.

(1) If the resulting average adjusted gross farm income derived from paragraphs (1) through (12) of the definition for “income derived from farming, ranching, and forestry operations” in this section is at least 66.66 percent of the average adjusted gross income of the person or legal entity, then the average adjusted gross farm income may also take into consideration income or benefits derived from the following:

(i) The sale, trade, or other disposition of equipment to conduct farm, ranch, or forestry operations; and

(ii) The provision of production inputs and services to farmers, ranchers, foresters, and farm operations.

(2) For legal entities not required to file a Federal income tax return, or a person or legal entity that did not have taxable income in one (1) or more of the tax years during the base period, the average gross farm income will be the adjusted gross farm income, including losses, averaged for the base period, as determined by FSA. For a legal entity created during the base period, the adjusted gross farm income average will include only those years of the base

period for which it was in business; however, a new legal entity will not be considered “new” to the extent it takes over an existing operation and has any elements of common ownership interest and land with the preceding person or legal entity from which it took over. When there is such commonality, income of the previous person or legal entity will be averaged with that of the new legal entity for the base period. For a person filing a joint tax return, the certification of average adjusted gross farm income may be reported as if the person had filed a separate Federal tax return, and the calculation is consistent with the information supporting the filed joint return.

Average AGI means the average of the adjusted gross income as defined under 26 U.S.C. 62 or comparable measure of the person or legal entity for the base period.

Base period means:

- (1) 2019, 2020, and 2021 for the 2023 program year; and
- (2) 2020, 2021, and 2022 for the 2024 program year.

Commercial storage means any activity using storage structure for hire, for persons other than the program applicant, except for family members and tenants or landlords sharing the crop storage. Any facility that shares a physical address, equipment, or other business products and services with any commercial storage operation is not included in the OFSCLP.

Commingled means any grain commodity stored in the same non-commercial storage structure with grain owned by another individual or entity. The nature of the storage allows for blending, making it necessary to identify the owner of the grain by share.

* * * * *

Eligible on-farm stored commodity means any of the following commodities that were produced, harvested, and stored on a farm in the United States: wheat, oats, barley, corn, grain sorghum, all hay, long grain rice, medium grain rice, seed cotton, pulse crops, soybeans, other oilseeds, and peanuts. Grazed commodities are not included in the OFSCLP.

Farming operation means a business enterprise engaged in the production of agricultural products, commodities, or livestock, operated by a person, legal entity, or joint operation. A person or legal entity may have more than one farming operation if the person or legal entity is a member of one or more legal entities or joint operations.

* * * * *

Income derived from farming, ranching, and forestry operations means

income of an individual or entity derived from:

- (1) Production of crops, specialty crops, and unfinished raw forestry products;
- (2) Production of livestock, aquaculture products used for food, honeybees, and products derived from livestock;
- (3) Production of farm-based renewable energy;
- (4) Selling (including the sale of easements and development rights) of farm, ranch, and forestry land, water or hunting rights, or environmental benefits;
- (5) Rental or lease of land or equipment used for farming, ranching, or forestry operations, including water or hunting rights;
- (6) Processing, packing, storing, and transportation of farm, ranch, forestry commodities including renewable energy;
- (7) Feeding, rearing, or finishing of livestock;
- (8) Payments of benefits, including benefits from risk management practices, crop insurance indemnities, and catastrophic risk protection plans;
- (9) Sale of land that has been used for agricultural purposes;
- (10) Payments and benefits authorized under any program made available and applicable to payment eligibility and payment limitation rules;
- (11) Income reported on IRS Schedule F or Form 4835; and
- (12) Wages or dividends received from a closely held corporation, and IC-DISC or legal entity comprised entirely of family members when more than 50 percent of the legal entity's gross receipts for each tax year are derived from farming, ranching, or forestry activities as defined in this part.

IRS means the Department of the Treasury, Internal Revenue Service. *Legal entity*, as used in this subpart: (1) Means an entity that is created under Federal or State law and that:

- (i) Owns land or an agricultural commodity; or
- (ii) Produces an agricultural commodity; and
- (2) Includes corporations, joint stock companies, associations, limited partnerships, limited liability companies, irrevocable trusts, estates, charitable organizations, general partnerships, joint ventures, and other similar organizations created under Federal or State law including any such organization participating in a business structure as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or as a participant in a similar organization. A business operating as a

sole proprietorship is considered a legal entity.

Market Year Average (MYA) Price means the national average price received by producers during the 12-month marketing year established by NASS.

NASS means the USDA National Agricultural Statistics Service.

* * * * *

Ownership interest means to have either a legal ownership interest or a beneficial ownership interest in a legal entity. For the purposes of administering this subpart, a person or legal entity that owns a share or stock in a legal entity that is a corporation, limited liability company, limited partnership, or similar type entity where members hold a legal ownership interest and shares in the profits or losses of such entity is considered to have an ownership interest in such legal entity. A person or legal entity that is a beneficiary of a trust or heir of an estate who benefits from the profits or losses of such entity is considered to have a beneficial ownership interest in such legal entity.

Production inputs mean material to conduct farming operations, such as seeds, chemicals, and fencing supplies.

Production services mean services provided to support a farming operation, such as custom farming, custom feeding, and custom fencing.

Qualifying disaster event means a wildfire, hurricane, flood, derecho, excessive heat, tornado, winter storm, freeze, including a polar vortex, smoke exposure, qualifying drought, and related conditions, that occurred in calendar year 2023 or 2024.

Qualifying drought means an area within the county was rated by the U.S. Drought Monitor as having a:

- (1) D2 (severe drought) intensity for at least 8 consecutive weeks in the applicable calendar year; or
- (2) D3 (extreme drought) or higher intensity for any period of time during the applicable calendar year.

Related condition means damaging weather and adverse natural occurrences that occurred concurrently with and as a direct result of a specified qualifying disaster event. Related conditions include, but are not limited to:

- (1) Excessive wind that occurred as a direct result of a derecho;
- (2) Silt and debris that occurred as a direct and proximate result of flooding;
- (3) Excessive wind, storm surges, tornadoes, tropical storms, and tropical depressions that occurred as a direct result of a hurricane; and

(4) Excessive wind and blizzards that occurred as a direct result of a winter storm.

* * * * *

U.S. Drought Monitor means the system for classifying drought severity according to a range of abnormally dry to exceptional drought reported by the National Drought Mitigation Center at <http://droughtmonitor.unl.edu>. It is a collaborative effort between Federal and academic partners, produced on a weekly basis, to synthesize multiple indices, outlooks, and drought impacts on a map and in narrative form.

■ 6. Revise § 760.1603 to read as follows:

§ 760.1603 Eligible producers.

(a) To be eligible for payment under this subpart, a producer must be a:

(1) Citizen of the United States;

(2) Resident alien, which for purposes of OFSCLP means “lawful alien” as defined in 7 CFR part 1400;

(3) Partnership organized under State law consisting solely of citizens of the United States or resident aliens;

(4) Corporation, limited liability company, or other organizational structure organized under State law consisting solely of citizens of the United States or resident aliens; or

(5) Indian Tribe or Tribal organization, as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(b) Members of legal entities, who do not individually share in the risk of producing the crop and ownership of the crop are not considered producers and are not eligible to apply for OFSCLP; in those instances, the entity is considered the applicant.

(c) To be eligible for OFSCLP, a producer must be in compliance with the provisions of 7 CFR part 12, “Highly Erodible Land and Wetland Conservation,” and the provisions of 7 CFR 718.6, which address ineligibility for benefits for offenses involving controlled substances.

(d) A receiver or trustee of an insolvent or bankrupt debtor’s estate, an executor or an administrator of a deceased person’s estate, a guardian of an estate of a ward or an incompetent person, and trustees of a trust are considered to represent the insolvent or bankrupt debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively. The production of the receiver, executor, administrator, guardian, or trustee is considered to be the production of the person or estate represented by the receiver, executor, administrator,

guardian, or trustee. On-Farm Stored Commodity Loss Program documents executed by any such person will be accepted by FSA only if they are legally valid and such person has the authority to sign the applicable documents.

(e) A minor who is otherwise an eligible producer is eligible to receive a program payment only if the minor meets one of the following requirements:

(1) The right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor’s property and the applicable program documents are signed by the guardian;

(3) Any program application signed by the minor is cosigned by a person determined by FSA to be financially responsible.

■ 7. In § 760.1604, revise paragraph (a) and add paragraph (c) to read as follows:

§ 760.1604 Eligible commodities.

(a) Commodities eligible to be compensated for loss under this subpart are eligible on-farm stored commodities as defined in this subpart.

* * * * *

(c) To be eligible for payment under this subpart, the eligible on-farm stored commodity must have been:

(1) Stored in an on-farm structure that under normal circumstances would have maintained the quality of the commodity throughout harvest until marketing or feed if not for the qualifying disaster event;

(2) At the time of loss, physically located in or under a structure and not left in a field baled or held together with netting, twine, or plastic as the only cover;

(3) Not stored in a commercial structure; and

(4) Properly dried prior to harvest—losses resulting from excessive moisture due to the commodity not being dried properly prior to storage are not eligible.

§ 760.1605 [Amended]

■ 8. In § 760.1605(a), remove the words “a financial” and add the words “an ownership” in their place.

■ 9. Revise § 760.1606 to read as follows:

§ 760.1606 General provisions.

(a) Losses will be determined by the total production of an eligible on-farm stored commodity in storage at time of loss. Eligibility and payments will be based on physical location of storage. Payments will be made on eligible commodities that were completely lost or destroyed while in storage due to the qualifying disaster event.

(b) The amount received from the salvage of the damaged facility and the amount of any insurance indemnity received with respect to the damage of the facility will be deducted from the calculated payment amount determined in accordance with § 760.1612.

■ 10. Revise § 760.1607 to read as follows:

§ 760.1607 Availability of funds and timing of payments.

On-Farm Stored Commodity Loss Program payments will be prorated, with all producers receiving payments based on the sum of all eligible payments and available funds. FSA will not disburse On-Farm Stored Commodity Loss Program payments at the beginning of the application period. During the application period, FSA may evaluate program demand and begin issuing payments if an initial payment factor can be established to ensure that payments do not exceed available funding. After the application deadline, a final payment factor will be determined and applied, which may or may not provide an additional or final payment, depending upon the factor.

■ 11. Revise § 760.1608 to read as follows:

§ 760.1608 Payment limitation and AGI.

(a) Per program loss year, a person or legal entity, other than a joint venture or general partnership, is eligible to receive, directly or indirectly, payments under this subpart of not more than:

(1) \$125,000 if less than 75 percent of the person’s or legal entity’s average AGI is average adjusted gross farm income; or

(2) \$250,000 if 75 percent or more of the person’s or legal entity’s average AGI is average adjusted gross farm income.

(b) To be eligible to receive payments based on the limitation in paragraph (a)(2) of this section, a person or legal entity must submit FSA–510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs, accompanied by a certification from a certified public accountant or attorney as to that person’s or legal entity’s certification.

(c) If a producer requesting the \$250,000 payment limitation is a legal entity, all members of that entity must also complete FSA–510 and provide the required certification according to the direct attribution provisions in 7 CFR 1400.105. If a legal entity would be eligible for the \$250,000 payment limitation based on the legal entity’s average adjusted gross farm income but a member of that legal entity either does not complete an FSA–510 and provide

the required certification or is not eligible for the \$250,000 payment limitation, the payment to the legal entity will be reduced for the limitation applicable to the share of the OFSCLP 2023 or 2024 payment attributed to that member.

(d) If a producer or member of a legal entity files FSA-510 and the accompanying certification after their payment is issued but before the deadline specified in § 760.1611(g), FSA will recalculate the payment and issue the additional calculated amount.

(e) The direct attribution provisions in § 1400.105 of this chapter apply for payment limitation and determining average AGI as defined and used in this subpart.

(f) If an individual or legal entity is not eligible to receive OFSCLP payments due to the individual or legal entity failing to satisfy payment eligibility provisions, the payment made either directly or indirectly to the individual or legal entity will be reduced to zero. The amount of the reduction for the direct payment to the producer will be commensurate with the direct or indirect ownership interest of the ineligible individual or ineligible legal entity.

■ 12. Revise § 760.1609 to read as follows:

§ 760.1609 Qualifying disaster events.

(a) The On-Farm Stored Commodity Loss Program will provide a payment to eligible producers who suffered losses of harvested eligible on-farm stored commodities while such commodities were stored in on-farm structures as a result of wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze, including a polar vortex, smoke exposure, qualifying drought, and related conditions that occurred in calendar year 2023 or 2024.

(b) A producer must provide supporting documentation that substantiates that the loss of the commodity was reasonably related to a qualifying disaster event as specified in this subpart and meets all other eligibility conditions. Supporting documentation may include climatological data from a reputable source or other information substantiating the claim of loss due to a qualifying disaster event.

■ 13. Amend § 760.1610 as follows:

■ a. In paragraph (b) introductory text, remove the word “Storage” and add the words “Stored Commodity” in its place; and

■ b. Revise paragraph (c).

The revision reads as follows.

§ 760.1610 Eligible and ineligible losses.

* * * * *

(c) The following types of loss, regardless of whether they were the result of a qualifying disaster event, are not eligible losses:

(1) Losses to crops that have not been harvested;

(2) Losses to crops not intended for harvest;

(3) Losses caused by improper storage;

(4) Losses caused by the application of chemicals;

(5) Losses caused by theft;

(6) Losses due to quality loss; and

(7) Losses caused by excessive moisture.

■ 14. Amend § 760.1611 as follows:

■ a. In paragraph (a), remove the words “a date that will be announced by the Deputy Administrator” and add “January 23, 2026” in their place;

■ b. In paragraph (c) remove the word “Storage” and add the words “Stored Commodity” in its place; and

■ c. Add paragraphs (f) through (h).

§ 760.1611 Application for payment.

* * * * *

(f) Producers of commingled commodities must designate their appropriate share of the commodity when applying for payment.

(g) Applicants must also submit all of the following items by January 23, 2027, if not previously filed with FSA:

(1) Form AD-2047, Customer Data Worksheet, for new customers or existing customers who need to update their customer profile;

(2) CCC-902, Farm Operating Plan, for an individual or legal entity;

(3) CCC-901, Member Information for Legal Entities, if applicable;

(4) AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification, for the producer and affiliated persons as provided in 7 CFR part 12; and

(5) FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs, for producers and members of legal entities who are requesting an increased payment limitation.

(h) The date to apply for payments under this program may, at the sole discretion of FSA, be extended. If FSA makes that decision, the extended date will be set forth at <https://www.fsa.usda.gov/resources/programs/farm-stored-commodity-loss-program-ofsclp>. Producers may also obtain that information from any FSA county office.

■ 15. Revise § 760.1612 to read as follows:

§ 760.1612 Calculating payments for on-farm stored commodity losses.

(a) Payments made under this subpart for eligible on-farm stored commodities are calculated by:

(1) Multiplying the NASS Market Year Average Price or FSA determined price for the eligible on-farm stored commodity by 75 percent;

(2) Multiplying the result from paragraph (a)(1) of this section by the eligible quantity of the eligible on-farm stored commodity adjusted by applicable shares of the producer;

(3) Reducing the calculated amount by subtracting any payment received from an insurance indemnity or salvage buyer; and

(4) Applying a payment factor based on the total calculated payments for all applications if the total calculated payments exceed the available funding.

Subpart Q—Milk Loss Program

§ 760.1700 [Amended]

■ 16. Amend § 760.1700 as follows:

■ a. Add the words “tornadoes, excessive moisture,” after “derechos,”;

■ b. Remove the years “2020, 2021, and 2022” and add “2023 and 2024” in their place; and

■ c. Remove the last sentence of the paragraph.

■ 17. Revise § 760.1701 to read as follows:

§ 760.1701 Administration.

(a) The Milk Loss Program will be administered under the general supervision and direction of the FSA Administrator and will be carried out in the field by FSA State and county committees, respectively.

(b) State and county committees, and representatives and their employees, do not have authority to modify or waive any of the provisions of the regulations set forth in this subpart.

(c) The State committee will take any action required by the regulations of this subpart that the county committee has not taken. The State committee will also:

(1) Correct, or require a county committee to correct, any action taken by such county committee that is not in accordance with the regulations of this subpart, or

(2) Require a county committee to withhold taking any action that is not in accordance with this subpart.

(d) No provision or delegation to an FSA State or county committee will preclude the FSA Administrator, the Deputy Administrator, or a designee, from determining any question arising under this subpart, or from reversing or modifying any determination made by an FSA State or county committee.

■ 18. Amend § 760.1702 as follows:

- a. In the definition of “Affected farmer”, add the word “disaster” after “qualifying”;
- b. In the definition of “Application period”, remove the years “2020, 2021, and 2022” and add “2023 and 2024” in their place;
- c. Revise the definitions of “Average adjusted gross farm income” and “Average adjusted gross income”;
- d. Remove the definition of “Beginning farmer or rancher”;
- e. Add the definition of “Farming operation” in alphabetical order;
- f. Remove the definition of “Limited Resource farmer or rancher”;
- g. Add the definition of “Legal entity” in alphabetical order;
- h. In the definition of “Milk marketing organization”, remove the words “weather related” and add “disaster” in their place;
- i. Add the definitions of “Production inputs” and “Production services” in alphabetical order;
- j. Revise the definition of “Qualifying disaster event”;
- k. Add the definitions of “Qualifying drought” and “Related condition” in alphabetical order; and
- l. Remove the definitions of “Same loss”, “Secretary”, and “Socially disadvantaged farmer or rancher”, “Underserved farmer or rancher”, and “Veteran farmer or rancher”.

The revisions and additions read as follows.

§ 760.1702 Definitions.

* * * * *

Average adjusted gross farm income means the average of the person’s or legal entity’s adjusted gross income derived from farming, ranching, and forestry operations, including losses, for the 3 taxable years preceding the most immediately preceding complete taxable year.

(1) If the resulting average adjusted gross farm income derived from paragraphs (1) through (13) of the definition for “income derived from farming, ranching, and forestry operations” in this section is at least 66.66 percent of the average adjusted gross income of the person or legal entity, then the average adjusted gross farm income may also take into consideration income or benefits derived from the following:

- (i) The sale, trade, or other disposition of equipment to conduct farm, ranch, or forestry operations; and
 - (ii) The provision of production inputs and services to farmers, ranchers, foresters, and farm operations.
- (2) For legal entities not required to file a Federal income tax return, or a

person or legal entity that did not have taxable income in 1 or more of the tax years during the 3 taxable years preceding the most immediately preceding complete taxable year, the average gross farm income will be the adjusted gross farm income, including losses, averaged for the base period, as determined by FSA. For a legal entity created during the base period, the adjusted gross farm income average will include only those years of the base period for which it was in business; however, a new legal entity will not be considered “new” to the extent it takes over an existing operation and has any elements of common ownership interest and land with the preceding person or legal entity from which it took over. When there is such commonality, income of the previous person or legal entity will be averaged with that of the new legal entity for the base period. For a person filing a joint tax return, the certification of average adjusted gross farm income may be reported as if the person had filed a separate Federal tax return, and the calculation is consistent with the information supporting the filed joint return.

(3) The relevant tax years are:

- (i) For the 2023 program year, 2019, 2020, and 2021; and
- (ii) For the 2024 program year, 2020, 2021, and 2022.

Average adjusted gross income means the average of the adjusted gross income as defined under 26 U.S.C. 62 or comparable measure of the person or legal entity for the relevant tax years, which are:

- (1) For the 2023 program year, 2019, 2020, and 2021; and
- (2) For the 2024 program year, 2020, 2021, and 2022.

* * * * *

Farming operation means a business enterprise engaged in the production of agricultural products, commodities, or livestock, operated by a person, legal entity, or joint operation. A person or legal entity may have more than one farming operation if the person or legal entity is a member of one or more legal entities or joint operations.

* * * * *

Legal entity, as used in this subpart:

- (1) Means an entity that is created under Federal or State law and that:
 - (i) Owns land or an agricultural commodity; or
 - (ii) Produces an agricultural commodity; and
- (2) Includes corporations, joint stock companies, associations, limited partnerships, limited liability companies, irrevocable trusts, estates, charitable organizations, general

partnerships, joint ventures, and other similar organizations created under Federal or State law including any such organization participating in a business structure as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or as a participant in a similar organization. A business operating as a sole proprietorship is considered a legal entity.

* * * * *

Production inputs mean material to conduct farming operations, such as seeds, chemicals, and fencing supplies.

Production services mean services provided to support a farming operation, such as custom farming, custom feeding, and custom fencing.

Qualifying disaster event means droughts, wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought, and related conditions that occurred in calendar year 2023 or 2024.

Qualifying drought means an area within the county was rated by the U.S. Drought Monitor as having a:

- (1) D2 (severe drought) intensity for at least 8 consecutive weeks in the applicable calendar year; or
- (2) D3 (extreme drought) or higher intensity for any period of time during the applicable calendar year.

Related condition means damaging weather and adverse natural occurrences that occurred concurrently with and as a direct result of a specified qualifying disaster event. Related conditions include, but are not limited to:

- (1) Excessive wind that occurred as a direct result of a derecho;
- (2) Silt and debris that occurred as a direct and proximate result of flooding;
- (3) Excessive wind, storm surges, tornadoes, tropical storms, and tropical depressions that occurred as a direct result of a hurricane; and
- (4) Excessive wind and blizzards that occurred as a direct result of a winter storm.

* * * * *

- 19. Revise § 760.1704, paragraph (a) introductory text, to read as follows:

§ 760.1704 Payments to dairy farmers for milk.

(a) A milk loss payment will be made to an affected farmer who is in compliance with this subpart in the amount equal to 75 percent of the fair market value of the farmer’s normal marketings for the application period, less:

* * * * *

§ 760.1708 [Amended]

■ 20. In § 760.1708, remove the words “of the designated deadline announced by the Secretary for 2020, 2021, and 2022 losses” and add “on January 23, 2026, for 2023 and 2024 losses” in their place.

■ 21. Revise § 760.1709 to read as follows:

§ 760.1709 Payment limitation and AGI.

(a) Per program year, a person or legal entity, other than a joint venture or general partnership, is eligible to receive, directly or indirectly, payments under this subpart of not more than:

(1) \$125,000 if less than 75 percent of the person's or legal entity's average adjusted gross income is average adjusted gross farm income; or

(2) \$250,000 if not less than 75 percent of the person's or legal entity's average adjusted gross income is average adjusted gross farm income.

(b) To be eligible to receive payments based on the limitation in paragraph (a)(2) of this section, a person or legal entity must submit FSA-510, accompanied by a certification from a certified public accountant or attorney as to that person's or legal entity's certification.

(c) If a producer requesting the \$250,000 payment limitation is a legal entity, all members of that entity must also complete FSA-510 and provide the required certification according to the direct attribution provisions in 7 CFR 1400.105. If a legal entity would be eligible for the \$250,000 payment limitation based on the legal entity's average adjusted gross farm income but a member of that legal entity either does not complete an FSA-510 and provide the required certification or is not eligible for the \$250,000 payment limitation, the payment to the legal entity will be reduced for the limitation applicable to the share of the payment attributed to that member.

(d) If a producer or member of a legal entity files FSA-510 and the accompanying certification after their payment is issued but before the deadline, FSA will recalculate the payment and issue the additional calculated amount.

(e) The direct attribution provisions in § 1400.105 apply for payment limitation and determining average adjusted gross income as defined and used in this subpart.

(f) If an individual or legal entity is not eligible to receive Milk Loss Program payments due to the individual or legal entity failing to satisfy payment eligibility provisions, the payment made either directly or indirectly to the

individual or legal entity will be reduced to zero. The amount of the reduction for the direct payment to the producer will be commensurate with the direct or indirect ownership interest of the ineligible individual or ineligible legal entity.

■ 22. Amend § 760.1710 as follows.

■ a. Revise paragraph (a);

■ b. In paragraph (b) introductory text, remove “within 60 days from the date of the Milk Loss Program application deadline” and add “by January 23, 2027” in its place;

■ c. Remove paragraph (b)(2);

■ d. Redesignate paragraphs (b)(3) through (6) as paragraphs (b)(2) through (5);

■ e. Revise newly redesignated paragraph (b)(4);

■ f. In newly redesignated paragraph (b)(5), add the word “applicant” after the word “Program”;

■ g. In paragraph (d), remove the years “2020, 2021, and 2022” and add “2023 and 2024” in their place; and

■ h. Add paragraph (f).

The revisions and addition read as follows.

§ 760.1710 Time and method of application.

(a) A completed FSA-376, Milk Loss Program Application, must be submitted at the time of application along with the information listed in § 760.1707 to any FSA county office by the close of business on January 23, 2026.

(b) * * *

(4) Form FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs, for producers and members of legal entities who are requesting an increased payment limitation; and

* * * * *

(f) The date to apply for payments under this program may, at the sole discretion of FSA, be extended. If FSA makes that decision, the extended date will be set forth at <https://www.fsa.usda.gov/resources/programs/milk-loss-program-mlp>. Producers may also obtain that information from any FSA county office.

■ 23. Revise § 760.1719 to read as follows:

§ 760.1719 Availability of funds and timing of payments.

(a) Payments under this subpart will be prorated based on the sum of all payments to eligible affected farmers and available funds.

(b) FSA will not disburse Milk Loss Program payments at the beginning of the application period. However, during the application period, FSA may evaluate program demand and begin

issuing payments if an initial payment factor can be established to ensure that payments do not exceed available funding. After the application deadline, a final payment factor will be determined and applied, which may or may not provide an additional or final payment, depending upon the factor.

■ 24. In § 760.1720, revise paragraph (a)(4) to read as follows:

§ 760.1720 Calculating payments for milk losses.

(a) * * *

(4) Multiplied by a program factor of 75 percent.

* * * * *

Subpart T—Emergency Livestock Relief Program 2023 and 2024

■ 25. Revise § 760.2001 to read as follows:

§ 760.2001 Administration.

(a) The Emergency Livestock Relief Program 2023 and 2024 will be administered under the general supervision and direction of the FSA Administrator and will be carried out in the field by FSA State and county committees, respectively.

(b) State and county committees, and representatives and their employees, do not have authority to modify or waive any of the provisions of the regulations set forth in this subpart.

(c) The State committee will take any action required by the regulations of this subpart that the county committee has not taken. The State committee will also:

(1) Correct, or require a county committee to correct, any action taken by such county committee that is not in accordance with the regulations of this subpart; or

(2) Require a county committee to withhold taking any action that is not in accordance with this subpart.

(d) No provision or delegation to an FSA State or county committee will preclude the FSA Administrator, the Deputy Administrator, or a designee, from determining any question arising under this subpart, or from reversing or modifying any determination made by an FSA State or county committee.

■ 26. Amend § 760.2004 as follows:

■ a. In paragraph (a), remove the date “October 31, 2025” and add “November 21, 2025” in its place; and

■ b. Add paragraph (c).

The addition reads as follows.

§ 760.2004 Required forms and deadlines.

* * * * *

(c) The date to apply for payments under this program may, at the sole

discretion of FSA, be extended. If FSA makes that decision, the extended date will be set forth at <https://www.fsa.usda.gov/resources/programs/emergency-livestock-relief-program-elrp>. Producers may also obtain that information from any FSA county office.

§ 760.2006 [Amended]

- 27. In § 760.2006, remove the first paragraph (e).

Subpart U—Emergency Livestock Relief Program 2023 and 2024 Flood and Wildfire

- 28. Revise § 760.2101 to read as follows:

§ 760.2101 Administration.

(a) The Emergency Livestock Relief Program 2023 and 2024 Flood and Wildfire will be administered under the general supervision and direction of the FSA Administrator and will be carried out in the field by FSA State and county committees, respectively.

(b) State and county committees, and representatives and their employees, do not have authority to modify or waive any of the provisions of the regulations set forth in this subpart.

(c) The State committee will take any action required by the regulations of this subpart that the county committee has not taken. The State committee will also:

(1) Correct, or require a county committee to correct, any action taken by such county committee that is not in accordance with the regulations of this subpart; or

(2) Require a county committee to withhold taking any action that is not in accordance with this subpart.

(d) No provision or delegation to an FSA State or county committee will preclude the FSA Administrator, the Deputy Administrator, or a designee, from determining any question arising under this subpart, or from reversing or modifying any determination made by an FSA State or county committee.

- 29. Amend § 760.2107 as follows:

- a. In paragraph (a) introductory text, remove the date “October 31, 2025” and add “November 21, 2025” in its place; and

- b. Add paragraph (f).

The addition reads as follows.

§ 760.2107 Application process.

(f) The date to apply for payments under this program may, at the sole discretion of FSA, be extended. If FSA makes that decision, the extended date will be set forth at <https://www.fsa.usda.gov/resources/programs/>

emergency-livestock-relief-program-elrp. Producers may also obtain that information from any FSA county office.

§ 760.2109 [Amended]

- 30. In § 760.2109, remove and reserve paragraph (e).

Subpart V—Supplemental Disaster Relief Program

- 31. In § 760.2200, add paragraph (d) to read as follows.

§ 760.2200 Applicability.

* * * * *

(d) SDRP Stage 2 provides assistance for eligible losses of eligible crops, trees, bushes, and vines for which a producer:

(1) Had Federal crop insurance or NAP coverage but did not receive a Federal crop insurance indemnity or NAP payment for the applicable crop year; or

(2) Did not have Federal crop insurance or NAP coverage for the applicable crop year.

- 32. Revise § 760.2201 to read as follows:

§ 760.2201 Administration.

(a) The Supplemental Disaster Relief Program will be administered under the general supervision and direction of the FSA Administrator and will be carried out in the field by FSA State and county committees, respectively.

(b) State and county committees, and representatives and their employees, do not have authority to modify or waive any of the provisions of the regulations set forth in this part.

(c) The State committee will take any action required by the regulations of this subpart that the county committee has not taken. The State committee will also:

(1) Correct, or require a county committee to correct, any action taken by such county committee that is not in accordance with the regulations of this subpart; or

(2) Require a county committee to withhold taking any action that is not in accordance with this subpart.

(d) No provision or delegation to an FSA State or county committee will preclude the FSA Administrator, the Deputy Administrator, or a designee, from determining any question arising under this subpart, or from reversing or modifying any determination made by an FSA State or county committee.

- 33. Amend § 760.2202 as follows:

- a. Revise the definition of “Administrative fee”;

- b. Add the definitions of “Affected production”, “APH and yield-based plans”, “Approved yield”, “Area

plans”, “Average market price”, “County disaster yield”, and “County expected yield” in alphabetical order;

- c. Revise the definitions of “Coverage level” and “Crop year”;
- d. Add the definitions of “Damage factor”, “Determined acres”, “Dollar plans and other revenue plans”, “Dollar value after disaster”, and “Dollar value before disaster” in alphabetical order;
- e. Revise the definition of “Eligible crop”;
- f. Add the definitions of “Eligible acreage percentage”, “Expected price”, “Federal Crop Insurance Act”, “Final planting date”, “Forage crop”, “Grading factor”, “Harvested”, “Insurable crop”, “Multiple planting”, “Native sod”, and “Nutrient factor” in alphabetical order;
- g. Revise the definition of “Premium”;
- h. Add the definitions of “Prevented planting”, “Prevented Planting payment factor”, “Price election”, “Production”, “Production to count”, “Quality loss”, “Reliable production record”, “Salvage value”, “SDRP factor”, “Stage 1 quality loss payment”, “Secondary use”, and “Share-adjusted” in alphabetical order;
- i. In the definition of “Tree”, remove the word “syrup” and add the word “sap” in its place; and
- j. Add the definitions of “Tropical region”, “Unharvested payment factor”, “Uninsured”, “Unit of measure”, “USDA”, “Value loss crop”, “Verifiable”, and “Yield” in alphabetical order.

The revisions and additions read as follows.

§ 760.2202 Definitions.

* * * * *

Administrative fee means the amount an insured producer paid for catastrophic risk protection, and additional coverage for each crop year as specified in the applicable crop insurance policy. It does not include administrative fees for supplemental policy endorsements based on county- or area-level losses when purchased with a base policy.

Affected production means the producer’s ownership share of harvested production of an eligible crop, adjusted to standard moisture as established by the U.S. Grains Standards Act, a State regulatory agency, or industry standard, that had a quality loss due to a qualifying disaster event.

APH and yield-based plans means the following plans of Federal crop insurance: Yield Protection (YP), Revenue Protection (RP), Revenue Protection with Harvest Price Exclusion (RP-HPE), Actual Production History (APH), Production Revenue History—Yield Protection (PRH-YP), Production Revenue History Plus (PRH-Plus),

Actual Production History—Price Component (APH-Price Component), and Production Revenue History—Revenue (PRH-Revenue).

Approved yield means the amount of production per acre, computed as specified in FCIC's Actual Production History (APH) Program in part 400, subpart G of this title that were in effect for the applicable crop year or, for crops not included in the regulations of part 400, subpart G of this title in effect for the applicable crop year, the yield used to determine the guarantee. For crops covered under NAP, the approved yield is established according to part 1437 of this title.

Area plans means the following plans of Federal crop insurance: Actual Yield Protection (AYP), Area Revenue Protection (ARP), Area Revenue Protection with Harvest Price Exclusion (ARPHPE), Stacked Income Protection Plan-Revenue Protection (STXRP), Stacked Income Protection Plan-Revenue Protection with Harvest Price Exclusion (STAX-RP-HPE), and Rainfall Index (RI-13).

* * * * *

Average market price means the average market price per unit of measure established by FSA according to 7 CFR 1437.12.

* * * * *

County disaster yield means the average yield per acre calculated for a county or part of a county for the applicable crop year based on disaster events, and is intended to reflect the amount of production that a participant would have been expected to make based on the eligible disaster conditions in the county or area, as determined by FSA.

County expected yield means the yield determined according to § 1437.102(b) of this title.

Coverage level means the percentage determined by multiplying the elected yield percentage under a crop insurance policy or NAP coverage by the elected price percentage. It does not include coverage under a supplemental policy endorsement based on county- or area-level losses when purchased with a base policy.

Crop year means:

(1) For insurable crops, trees, and vines, the crop year as defined according to the applicable Federal crop insurance policy;

(2) For NAP-eligible crops, the crop year as defined in 7 CFR 1437.3; and

(3) For uninsurable trees, bushes, and vines, the calendar year in which the qualifying disaster event occurred.

Damage factor means a percentage of the value lost when a tree, bush, or vine

is damaged and requires rehabilitation but is not completely destroyed, as determined by FSA.

* * * * *

Determined acres means acreage established by a representative of FSA by use of official acreage, digitizing areas on the photographic image, or computations from scaled dimensions or ground measurements.

Dollar plans and other revenue plans means the following Federal crop insurance plans: Dollar Amount of Insurance, Fixed Dollar, Yield Based Dollar Amount Insurance, Pecan Revenue, and ARH (Actual Revenue History).

Dollar value after disaster means the crop inventory immediately after the qualifying disaster event multiplied by the established price for the value loss crop.

Dollar value before disaster means the crop inventory immediately before the qualifying disaster event multiplied by the established price for the value loss crop.

Eligible crop means a crop:

(1) Including aquacultural species, for which a Federal crop insurance policy or NAP coverage was available for the 2023, 2024, or 2025 crop year, excluding crops for grazing;

(2) That was produced in the United States as part of a farming operation and was intended to be commercially marketed; and

(3) That was not livestock or timber.

Eligible acreage percentage means the percentage of acreage that is eligible for SDRP under the respective area plan compared to the total acreage insured.

Expected price means a verifiable published price either for sale or loan on a specific crop and year or the price established by FSA for a crop and year.

* * * * *

Federal Crop Insurance Act means the legal authority codified in 7 U.S.C. 1501–1524.

Final planting date means the latest date, established by RMA for each insurable crop or FSA for NAP-covered crops, by which the crop must initially be planted in order to be insured for the full production guarantee or amount of insurance per acre.

Forage crop means a plant grown and used to feed livestock that is harvested and processed into forms like hay, silage, or green chop. It excludes crops for grazing.

Grading factor means a factor that describes the physical condition or a feature that is evaluated to determine the quality of the production, such as broken kernels and low-test weight.

Harvested means:

(1) For insurable crops, harvested as defined according to the applicable Federal crop insurance policy;

(2) For NAP-eligible single harvest crops, that a crop has been removed from the field, either by hand or mechanically;

(3) For NAP-eligible crops with potential multiple harvests in 1 year or harvested over multiple years, that the producer has, by hand or mechanically, removed at least 1 mature crop from the field during the crop year; and

(4) For mechanically harvested NAP-eligible crops, that the crop has been removed from the field and placed in a truck or other conveyance, except hay is considered harvested when in the bale, whether removed from the field or not.

* * * * *

Insurable crop means an agricultural crop (excluding livestock and crops intended for grazing) for which the producer on a farm is eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act.

* * * * *

Multiple planting means the planting for harvest of the same crop in more than one planting period in a crop year on different acreage.

* * * * *

Native sod means land on which the natural state plant cover before tilling was composed principally of native grasses, grass-like plants, forbs, or shrubs suitable for grazing and browsing and is land that has never been tilled as determined by USDA.

Nutrient factor means a factor determined by a test that measures the nutrient value of a crop to be fed to livestock. Examples include, but are not limited to, relative feed value and total digestible nutrients.

* * * * *

Premium means the premium paid by the producer for crop insurance coverage or NAP buy-up coverage levels. It does not include premiums for supplemental policy endorsements based on county- or area-level losses when purchased with a base policy.

Prevented planting means the inability to plant an insured crop with proper equipment during the planting period as a result of an insured cause of loss, as determined by FSA.

Prevented planting payment factor means a percentage established by FSA for a crop and applied in a payment formula to reduce the payment for reduced expenses due to prevented planting of the crop.

Price election means the percentage of the crop insurance price for insured crops or average market price for NAP

covered crops the producer elects for their individual coverage.

Production means quantity of the crop produced, which is expressed in a specific unit of measure such as bushels or pounds.

* * * * *

Production to count means the net production which includes harvested, appraised, and assigned production after production and quality adjustments, if applicable. For insured and NAP-covered crops, production to count is determined by the applicable Federal crop insurance policy or NAP provisions.

* * * * *

Quality loss means:

(1) For crops other than forage, a decrease in value based on discounts provided at the point of sale due to the physical condition of the crop indicated by an applicable grading factor; and

(2) For forage crops, a reduction in an applicable nutrient factor for the crop.

Reliable production record means evidence provided by the participant that is used to substantiate the amount of production reported when verifiable records are not available, including copies of receipts, ledgers of income, income statements of deposit slips, register tapes, invoices for custom harvesting, and records to verify production costs, contemporaneous measurements, truck scale tickets, and contemporaneous diaries that are determined acceptable by FSA. To determine whether the records are acceptable, FSA will consider whether they are consistent with the records of other producers of the crop in that area.

* * * * *

Salvage value means the dollar amount or equivalent for the quantity of the commodity that cannot be marketed or sold in any recognized market for the crop.

SDRP factor means:

(1) For insured and NAP-covered crops, the factor in Table 1 to § 760.2208(b), which is based on the Federal crop insurance or NAP coverage level for a crop and unit that was elected by the SDRP participant for the applicable crop year; and

(2) For uninsured producers, a factor of 70 percent.

Stage 1 quality loss payment means a payment calculated according § 760.2209(d) and (e).

Secondary use means the harvesting of a crop for a use other than the intended use.

Share-adjusted means the adjustment of RMA producer certified production provided by RMA or SDRP producer certified production from the producer

by the percent of insurable interest on the FSA–504.

* * * * *

Tropical region means Hawaii, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, the Commonwealth of Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

Unharvested payment factor means a percentage established by FSA for a crop and applied in a payment formula to reduce the payment for reduced expenses incurred because commercial harvest was not performed.

Uninsured means a crop that was not covered by Federal crop insurance or NAP for the crop year for which a payment is being requested under this subpart.

* * * * *

Unit of measure means:

(1) For insurable crops, the FCIC-established unit of measure; and

(2) For NAP-eligible crops, the established unit of measure used for the NAP price and yield.

USDA means the U.S. Department of Agriculture.

* * * * *

Value loss crop means crops for which losses are calculated based on the value of a producer's inventory before and after a disaster event, rather than based on a yield expressed as a unit of production per acre. The term "value loss crop" has the meaning specified in subpart D of part 1437 of this title, and includes the following crops: aquaculture, including ornamental fish, Christmas trees, floriculture, ginseng root, mushrooms, nursery crops, and turfgrass sod.

Verifiable means FSA is able to verify evidence through an independent source.

* * * * *

Yield means unit of production, measured in bushels, pounds, or other unit of measure, per area of consideration, usually measured in acres.

■ 34. In § 760.2203, revise paragraph (d) to read as follows:

§ 760.2203 Eligible producers.

* * * * *

(d) FSA's creation and mailing or other transmission of a pre-filled application does not indicate that the person or legal entity listed on the application is eligible for an SDRP Stage 1 or Stage 2 payment.

■ 35. In § 760.2204, add paragraphs (e) and (f) to read as follows.

§ 760.2204 Stage 1 eligible and ineligible losses.

* * * * *

(e) To be eligible for an SDRP Stage 1 quality loss payment, a producer must have:

(1) Received a Federal crop insurance indemnity under an APH or yield-based plan or a NAP benefit for the crop and unit; and

(2) Submitted an application for SDRP Stage 1 benefits in accordance with § 760.2206(a).

(f) The following are ineligible for an SDRP Stage 1 quality loss payment:

(1) Value-loss crops;

(2) Maple sap;

(3) Honey;

(4) Crops for which the producer received a Federal crop insurance indemnity, NAP payment, or Stage 1 payment specified in § 760.2208 based on the quantity of the crop's production that was considered unmarketable;

(5) Crops for which the producer previously received a Federal crop insurance indemnity, NAP payment, or Stage 1 payment specified in § 760.2208 for which the crop production was reported as salvage value or secondary use;

(6) Crops that were destroyed;

(7) Crops that were prevented from being planted;

(8) Losses that could have been mitigated through reasonable and available measures;

(9) Crops that were previously adjusted for a quality loss under NAP;

(10) The portion of quality adjustment previously included in a crop insurance indemnity;

(11) Trees, bushes, and vines;

(12) Sugar beets for which a member of a cooperative processor received a payment for the same loss through a block grant or cooperative agreement; and

(13) Crops that were unharvested.

■ 36. Add § 760.2205 to read as follows.

§ 760.2205 Stage 2 eligible and ineligible losses.

(a) For SDRP Stage 2, eligible losses include production, quality, and revenue losses of eligible crops and losses of eligible trees, bushes, and vines for which the producer had:

(1) Non-indemnified losses under a Federal crop insurance policy that was included in Stage 1;

(2) A loss covered by a Federal crop insurance policy in Puerto Rico, excluding plantain plants and banana plants insured under Puerto Rico crop insurance provisions;

(3) NAP coverage but did not receive a NAP payment, excluding crops with an intended use of grazing;

(4) Production or quality losses of eligible crops that were uninsured;

(5) An indemnified loss under a Federal crop insurance Annual Forage policy that was ineligible for SDRP Stage 1 because the unit included acreage that was intended for grazing, but also included acreage intended for forage or grain; or

(6) An indemnified loss under a Rainfall Index plan for Apiculture or Pasture, Rangeland, and Forage that was ineligible for SDRP Stage 1 because the producer entered a county located in Connecticut, Hawaii, Maine, or Massachusetts on their application but the unit also includes land physically located in a state other than Connecticut, Hawaii, Maine, or Massachusetts.

(b) To be eligible for SDRP Stage 2, the loss described in paragraph (a) of this section must have been caused, in whole or in part, by a qualifying disaster event. FSA's creation and transmission of a pre-filled application for producers with data on file with FSA or RMA does not indicate that a crop, tree, bush, or vine loss included on that application is eligible for an SDRP Stage 2 payment.

(c) If a producer has both a NAP policy and a Federal crop insurance policy that address the same potential crop loss, the producer cannot receive a Stage 2 payment based on both the crop insurance policy and NAP policy. The producer must elect whether to receive the Stage 2 payment based on the data associated with their Federal crop insurance policy or their NAP policy.

(d) The following losses are not eligible for SDRP Stage 2:

(1) Losses covered under Stage 1, including losses:

(i) For all crops covered under a Whole Farm Revenue Protection policy for which the producer received an indemnity; and

(ii) Quality losses for all crops covered under Stage 1 Quality Loss provisions;

(2) Losses for which the producer received an:

(i) ERP 2022 Track 1 payment for the 2023 crop year; or

(ii) ERP 2022 Track 2 payment for which their allowable gross revenue for the 2023 tax year was used as the disaster year revenue;

(3) Prevented planting losses for crops covered by Federal crop insurance or NAP, regardless of whether the acres were determined ineligible under the terms of the Federal crop insurance plan or NAP provisions, as applicable;

(4) Losses of sugar beets for which a member of a cooperative processor received a payment through a block grant or cooperative agreement;

(5) Losses of crops that occur after harvest;

(6) Losses for which FSA or RMA have previously disapproved a notice of loss for the crop and disaster event, unless that notice of loss was disapproved solely because it was filed after the applicable deadline;

(7) Losses due to any of the following causes:

(i) Poor management decisions, poor farming practices, or drifting herbicides;

(ii) Failure of the participant to re-seed or replant to the same crop in a county where it is customary to re-seed or replant after a loss before the final planting date;

(iii) Water contained or released by any governmental, public, or private dam or reservoir project if an easement exists on the acreage affected by the containment or release of the water; or

(iv) Failure of a power supply or brownout;

(8) Losses of the following, regardless of whether they were the result of an eligible disaster event:

(i) Production that could not be marketed merely because of a loss of market demand that was not associated with the quality of the crop;

(ii) Aquacultural species that were compensated under ELAP;

(iii) Volunteer crops;

(iv) Crops not intended for harvest;

(v) By-products resulting from processing or harvesting a crop, such as, but not limited to, cotton seed, peanut shells, wheat or oat straw, or corn stalks or stovers;

(vi) Crops, trees, bushes, and vines in home gardens;

(vii) First year seeding for forage production, or immature fruit crops;

(viii) Tobacco in areas where Federal crop insurance is not available;

(ix) Crops, trees, bushes, and vines that were physically located in Connecticut, Hawaii, Maine, or Massachusetts; or

(x) Trees, bushes, and vines that were abandoned or were not in use or intended for commercial operation at the time of loss; and

(9) Losses for honey, when the honey production by colonies or bees was diminished, if caused by:

(i) Unavailability of equipment or the collapse or failure of equipment or apparatus used in the honey operation;

(ii) Improper storage of honey;

(iii) Bee feeding;

(iv) Application of chemicals;

(v) Theft;

(vi) Movement of bees by or for the producer; or

(vii) Disease or pest infestation of the colonies, unless approved by FSA.

(e) Quality losses for the following are ineligible for SDRP Stage 2:

(1) Crops insured under area plans;

(2) Quality losses compensated under Stage 1;

(3) Value loss crops;

(4) Maple sap;

(5) Honey;

(6) Trees, bushes, and vines;

(7) Crops that were destroyed;

(8) Crops that were prevented from being planted;

(9) Losses that could have been mitigated through reasonable and available measures;

(10) Production that cannot be marketed merely because of a loss of market demand that is not associated with the quality of the crop; and

(11) Crops for which the production was already reduced for quality losses under NAP.

■ 37. Amend § 760.2206 as follows:

■ a. In paragraph (a), remove the words “the deadline announced by FSA” and add “April 30, 2026” in their place;

■ b. Redesignate paragraph (e) as paragraph (g);

■ c. Add paragraphs (c) through (f);

■ d. In newly redesignated paragraph (g), remove the words “the deadline announced by FSA” and add “April 30, 2027” in their place; and

■ e. Add paragraph (h).

The additions read as follows.

§ 760.2206 Time and method of application.

* * * * *

(c) For SDRP Stage 1 quality loss payments, FSA will generate a pre-filled FSA-526Q, Supplemental Disaster Relief Program (SDRP) Stage 1 Quality Loss Application, which includes the producer's information that is already on file with USDA. Producers must contact their FSA county office to obtain their pre-filled FSA-526Q. Producers applying for a SDRP Stage 1 quality loss payment may not alter pre-filled data in FSA-526Q. In addition to FSA-526Q, producers must also submit documentation required by § 760.2207 for all producer-certified quality loss percentages, and failure to submit that documentation will result in disapproval of the producer's FSA-526Q. Producers must submit FSA-526Q and the required documentation to any FSA county office by April 30, 2026.

(d) For SDRP Stage 2, producers must submit the following to any FSA county office by April 30, 2026:

(1) A completed FSA-504, Supplemental Disaster Relief Program (SDRP) Stage 2 Application;

(2) FSA-578, Report of Acreage, for all acreage of any crop for the applicable crop year for which payments under this subpart are requested, with the

exception of crops insured under APH or yield-based plans and insured crops in Puerto Rico; and

(3) Required documentation specified in § 760.2207 for the information entered on FSA-504. Producers are not required to provide additional documentation to support pre-filled values on FSA-504.

(e) FSA will pre-fill data for items on FSA-504 for crops insured under certain Federal crop insurance policies or covered by NAP when that data is already on file with RMA or FSA. Producers of those crops must contact their FSA county office to obtain their pre-filled FSA-504. Producers must review any pre-filled data and, if inaccurate, enter the correct data on FSA-504 in the items provided for producer-certified data.

(f) A producer must apply for a crop and unit on the part of FSA-504 that corresponds to the type of insurance or NAP coverage obtained for the crop and unit, if applicable. A producer cannot apply for a crop and unit as an uninsured loss if the crop and unit were covered by Federal crop insurance or NAP, including acreage that was deemed ineligible. Applications for crops and units entered in the wrong part on FSA-504 will be disapproved.

* * * * *

(h) The date to apply for payments under this program may, at the sole discretion of FSA, be extended. If FSA makes that decision, the extended date will be set forth at <https://www.fsa.usda.gov/resources/programs/supplemental-disaster-relief-program>. Producers may also obtain that information from any FSA county office.

■ 38. Amend § 760.2207 as follows:

- a. In paragraph (b), remove the words “the deadline announced by FSA” and add “April 30, 2026” in their place; and
- b. Add paragraphs (c) through (n).

The additions read as follows.

§ 760.2207 Required documentation and verification.

* * * * *

(c) Producers who apply for a Stage 1 quality loss payment must submit documentation specified in paragraph (e) of this section to substantiate the certified SDRP quality loss percentage. Documentation of pre-filled information on FSA-526Q is not required unless requested by FSA.

(d) Producers who apply for Stage 2 must submit documentation as specified in this section to support any of the following entered by the producer on FSA-504: Quality loss percentage; production; dollar value before disaster event; dollar value after disaster event; the number of trees, bushes, and vines

destroyed; and the number of trees, bushes, and vines damaged. Documentation of pre-filled information on FSA-504 is not required unless requested by FSA.

(e) Producers must submit documentation to support the producer-certified quality loss percentage entered on FSA-526Q or FSA-504.

(1) The following documentation is required:

(i) For eligible crops other than forage crops, verifiable documentation of the total dollar value loss and corresponding grading factors due to quality and acceptable production records to determine the amount of eligible production; and

(ii) For forage crops, verifiable documentation of the nutrient factors for the affected production, and acceptable production records to determine the amount of eligible production. The nutrient factors that must be documented for a crop will be determined by FSA based on the standard practice for the crop in that county.

(2) The documentation must be dated and contain all information required to substantiate the applicant's certification to the satisfaction of FSA. Verifiable documentation is required to substantiate the total dollar value loss, affected production, grading factors, and nutritional factors. FSA may verify the records with records on file at the warehouse, gin, or other entity that received or may have received the reported production.

(3) To be considered acceptable, verifiable documentation for grain crops that were sold may come from any time between harvest and sale of the affected production, unless FSA determines the record is not representative of the condition within 30 days of harvest. For all other crops other than forage, the verifiable documentation must come from tests or analysis completed within 30 days of harvest, unless FSA determines that the record is representative of the condition of the affected production at time of harvest. Examples of acceptable records include, but are not limited to:

- (i) Warehouse grading sheets;
- (ii) Settlement sheets;
- (iii) Sales receipts showing grade and price or disposition to secondary market due to quality; and
- (iv) Laboratory test results.

(f) To support any production entered on FSA-504, the producer must submit acceptable documentation that substantiates the certification to the satisfaction of FSA. If the eligible crop was sold or otherwise disposed of through commercial channels, an

acceptable production record of that disposition must be provided to FSA with the certification. Producers must account for the total amount of unit production for the crop, whether or not records reflect this production, and provide all records for any production of a crop that is grown with an arrangement, agreement, or contract for guaranteed payment. If a producer does not have acceptable production records, the county disaster yield will apply as provided in § 760.2211(g), except in cases where the applicant has indicated a quality loss percentage. Acceptable production records include the following:

(1) RMA or NAP records, if accurate and complete;

(2) Commercial receipts;

(3) Settlement sheets;

(4) Warehouse ledger sheets or load summaries;

(5) Appraisal information from a loss adjuster acceptable to FSA; and

(6) For eligible crops that were farm-stored, sold, fed to livestock, or disposed of by means other than verifiable commercial channels:

(i) Truck scale tickets;

(ii) Appraisal information from a loss adjuster acceptable to FSA;

(iii) Contemporaneous reliable diaries; and

(iv) Other documentary evidence, such as contemporaneous reliable measurements, determined acceptable by FSA.

(g) Under Stage 2, participants requesting payments for losses to adulterated wine grapes must submit verifiable sales tickets that document that the reduced price received was due to adulteration due to a qualifying disaster event. For adulterated wine grapes that have not been sold, participants must submit verifiable records obtained by testing or analysis to establish that the wine grapes were adulterated due to a qualifying disaster event and the price they would receive due to adulteration.

(h) For value loss crops, producers must provide acceptable records to substantiate the dollar value before and after the qualifying disaster event. The producer will determine the dollar value before disaster and dollar value after disaster. Acceptable inventory records should include relevant dates (such as planting, seeding, or harvest), quantity, sizes, and location for the inventory.

(1) Acceptable inventory records include but are not limited to the following:

(i) FCIC records for insured crops, such as RMA appraisal worksheets or Inventory Valuation Reports;

- (ii) An appraisal by a NAP loss adjuster;
- (iii) Planting records that include date of purchase and date of planting, such as seed receipts or original inventory purchase receipts;
- (iv) Sales records that include dates and the quantity of inventory sold, including receipts;
- (v) Monthly records of inventory maintained by producers; and
- (vi) The producer's beginning inventory extrapolated from FSA-established mortality rates based on size, age, and days of growth, if applicable.

(2) [Reserved]

(i) The dollar value before disaster and dollar value after disaster are determined by multiplying the inventory for each size or age category of the crop by the average market price, and adding the values for all categories. For example, the FSA-established average market prices for bald cypress are \$4.68 for a 1-gallon size, and \$17.88 for a 3-gallon size. The producer's inventory records indicate 20 of each crop prior to the event. The inventory value is: \$93.60 (calculated as $20 \times \$4.68$) + \$357.60 (calculated as $20 \times \$17.88$) = \$451.20.

(j) For tree, bush, and vine losses, if physical evidence of the lost or damaged trees, bushes, or vines no longer exists, the producer must provide acceptable evidence to substantiate that the eligible trees, bushes, or vines existed and support the number of trees, bushes, or vines lost for each stand due to a qualifying disaster event. Acceptable evidence includes but is not limited to the following:

- (1) Receipts for the original purchase of the eligible trees, bushes, or vines;
- (2) Documentation of labor and equipment used to plant or remove the eligible trees, bushes, or vines that were lost or damaged;
- (3) Chemical, fertilizer, or other related receipts to substantiate the existence of the eligible trees, bushes, or vines;
- (4) FCIC records, such as an RMA pre-acceptance inspection report or an appraisal worksheet;
- (5) Maps with aerial photography that clearly identify damaged or destroyed trees, bushes, or vines;
- (6) Photographic evidence of the loss with the date the image was taken;
- (7) Evidence provided with a Tree Assistance Program or Emergency Conservation Program application for the same acreage; and
- (8) Certifications of tree, bush, or vine losses by third parties, such as consultants, Cooperative Extension Service, universities, or government

personnel, but only if there is no other documentation available.

(k) Producers are responsible for retaining, providing, and summarizing, at time of application and whenever required by FSA, the best available verifiable records for the crop. Producers must provide the information in a manner that can be easily understood by FSA.

(l) Participants must provide all records for any production of a crop that is grown with an arrangement, agreement, or contract for guaranteed payment.

(m) Determinations of acceptability with respect to this paragraph (m) will take into account, as appropriate, the ability for FSA to review and verify or compare the evidence against the similarity of the evidence or reports or data received by FSA for the crop or similar crops. Other factors deemed relevant by FSA may also be taken into account. FSA may verify the production evidence submitted with records on file at the warehouse, gin, or other entity that received or may have received the reported production.

(n) FSA may also require the producer to submit any additional information necessary to support the certifications on the FSA-504 or determine a producer's eligibility, including but not limited to documentation of the qualifying disaster event and the producer's ownership share and risk in the crop. If FSA requests additional information, the producer must submit the requested information within 60 days or the producer's application will be disapproved and the producer must refund the payment, if previously issued.

■ 39. Add § 760.2209 to read as follows.

§ 760.2209 Quality loss percentage calculation.

(a) Stage 1 quality loss payments and some Stage 2 payment calculations are calculated using a quality loss percentage. The quality loss percentage is the percentage of loss calculated for a reduction in the total dollar value of the crop due to reduction in the physical condition of the crop indicated by an applicable grading factor or applicable nutrient factor for the crop. The quality loss percentage is based on the weighted quality reduction of impacted production compared to the total overall production and calculated separately for crops based on the crop type, intended use, certified organic or conventional status, county, and crop year.

(b) For forage crops, a quality loss percentage will be established using the following steps:

- (1) FSA will determine:
 - (i) Acceptable high and low nutritional values; and
 - (ii) The range determined by subtracting the low nutritional value from the high nutritional value;
- (2) The producer will submit a verifiable test to FSA that indicates the nutritional value for the impacted production;
- (3) To calculate the quality loss, the producer will:
 - (i) Calculate the quality loss by subtracting the nutritional value from the verifiable test from the high nutritional value determined by FSA;
 - (ii) Calculate the percentage difference by dividing the quality loss by the range specified in paragraph (b)(1)(ii) of this section; and
 - (iii) Calculate the quality loss percentage by taking 100 percent minus the percentage difference in paragraph (b)(3)(ii) of this section.
- (4) The quality loss percentage will be specific and weighted to the impacted production. If there is production that was not impacted by quality or impacted at a different level, the quality loss percentage must be weighted against the respective impacted production. The producer must calculate their weighted quality loss percentage as follows:
 - (i) Calculate the percent production impacted by quality loss by dividing the impacted production by the total production; and
 - (ii) Calculate the weighted quality loss percentage by multiplying the percent production impacted by quality loss by the quality loss percentage.
 - (iii) If more than one quality loss percentage applies, calculate the total weighted quality loss percentage by adding the separate calculated weighted quality loss percentages determined in paragraph (b)(4)(ii) of this section.
- (c) For crops other than forage, the producer will calculate the quality loss percentage by:
 - (1) Calculating the total reduction in value due to quality; and
 - (2) Calculating the quality loss percentage by dividing total reduction in value due to quality by the expected price the producer would have received at the point of sale if not for the quality discounts.
- (d) For Stage 1 quality loss payments for crops insured under APH and yield-based plans, RMA will provide the total revenue to count that was used in the calculation of the Stage 1 payment in accordance with § 760.2208(c). RMA will provide the production to count before quality adjustments and the percentage loss that was used to determine the production to count

adjusted for quality. The applicant will certify the percent SDRP quality loss on FSA-526Q as provided in this section. If the producer's certified SDRP quality loss percentage is:

- (1) Less than or equal to the RMA quality loss percentage, FSA will not issue a Stage 1 quality loss payment; or
- (2) Greater than the RMA quality loss percentage, FSA will calculate the difference between the two percentages, and apply that percentage to the total revenue to count provided by RMA. The resulting value will equal the Stage 1 quality loss payment.

(e) For Stage 1 quality loss payments for NAP-covered yield-based crops, FSA will provide the total revenue to count that was used in the calculation for Stage 1 in accordance with § 760.2208(d). The applicant will certify the percent quality loss on the FSA-526Q as provided in this section. FSA will calculate the Stage 1 quality loss payment as follows:

(1) FSA will multiply the revenue to count by the SDRP quality loss percentage;

(2) The result of paragraph (d)(1) of this section will be multiplied by the producer's share, and then multiplied by 35 percent to stay within available funding. The resulting value will constitute the quality loss payment.

■ 40. Add §§ 760.2211 and 760.2212 to read as follows:

§ 760.2211 Eligible Stage 2 production.

(a) The production to count for a crop and unit is the net production, which includes harvested, appraised, and assigned production, after any applicable production and quality adjustments. For insured and NAP-covered crops, production to count is determined by the applicable Federal crop insurance policy or NAP provisions. Total harvested production of eligible crop acreage includes all the harvests in the crop year and is not limited to one harvest in a crop year.

(b) If a crop is appraised and subsequently harvested for the intended use, the actual harvested production must be taken into account to determine payments. FSA will determine whether a participant's evidence of actual production represents all that could or would have been harvested.

(c) For all crops eligible for loan deficiency payments or marketing assistance loans (see parts 1421 and 1434 of this title) with an intended use of grain but harvested for another use such as silage, ensilage, or hay the production will be converted to a whole grain equivalent based on conversion factors as previously established by

FSA. This also applies to commodities that are cracked, rolled, or crimped.

(d) If a participant does not receive compensation based upon the quantity of the commodity delivered to a purchaser but has an agreement or contract for guaranteed payment for production, the determination of the production will be the greater of the actual production or the guaranteed payment converted to production as determined by FSA.

(e) The producer is responsible for identifying production that is commingled between crop years, units, ineligible and eligible acres, or different practices. If the producer cannot provide evidence that adequately identifies such production, FSA may deny the application for payment or prorate such production to each respective crop year, unit, type of acreage, or practice, respectively. Commingled production may be attributed to an applicable unit, if prior to commingling, the producer has documented the production by unit and does any of the following:

(1) Provides copies of verifiable documents showing that production of the commodity was purchased, acquired, or otherwise obtained from beyond the unit;

(2) Had the production measured in a manner approved by FSA; or

(3) Had the crop year's production appraised in a manner approved by FSA.

(f) FSA will assign production for the unit, except in cases where the applicant has indicated a quality loss percentage, when FSA determines that:

(1) The participant has failed to provide adequate and acceptable production records;

(2) The loss to the crop is because of a disaster condition not covered by this subpart, or circumstances other than natural disaster, and there has not otherwise been an accounting of this ineligible cause of loss;

(3) The participant carries out a practice, such as multiple cropping, that generally results in lower yields than the established historic yields;

(4) A crop was late-planted;

(5) Unharvested acreage was not timely appraised; or

(6) Other appropriate causes exist for such assignment as determined by FSA.

(g) FSA will establish a county disaster yield that reflects the amount of production producers would have produced considering the eligible disaster events in the county or area for the same crop. The county disaster yield for the county or area will be expressed as either a percent of loss or yield per

acre. The county disaster yield will apply when:

(1) Unharvested acreage has not been appraised by FSA or a company reinsured by FCIC; or

(2) Acceptable production records for harvested acres are not available from any source.

(h) In no case will the production amount of any applicant be less than the producer's certified loss.

(i) Under Stage 2, production for eligible adulterated wine grapes will be adjusted for quality deficiencies due to a qualifying disaster event. Wine grapes are eligible for production adjustment only if adulteration occurred prior to harvest and as a result of a qualifying disaster event or as a result of a related condition (such as application of fire retardant). Losses due to all other causes of adulteration (such as addition of artificial flavoring or chemicals for economic purposes) are not eligible for Stage 2. Production will be eligible for quality adjustment if, due to a qualifying disaster event, it has a value of less than 75 percent of the average market price of undamaged grapes of the same or similar variety. The value per ton of the qualifying damaged production and the average market price of undamaged grapes will be determined on the earlier of the date the damaged production is sold or the date of final inspection for the unit. Grape production that is eligible for quality adjustment will be reduced by:

(1) Dividing the value per ton of the damaged grapes by the value per ton for undamaged grapes; and

(2) Multiplying this result (not to exceed 1.000) by the number of tons of the eligible damaged grapes.

§ 760.2212 Stage 2 eligible acres.

(a) For eligible crops insured under an APH or yield-based plans and insured crops in Puerto Rico, the eligible acres for Stage 2 payment calculation will be the eligible acres as specified in the applicable insurance provisions.

(b) For eligible crops other than those covered under an APH or yield-based plan or insured in Puerto Rico, eligible acres will be determined based on the following provisions:

(1) Eligible acreage will be calculated using the lesser of the reported or determined acres shown to have been planted or prevented from being planted to a crop.

(2) Initial crop acreage will be the acreage used to calculate payments under this subpart, unless the provisions for subsequent crops in this section are met. Subsequently planted or prevented planted acreage is considered acreage under this subpart

only if the provisions of this section are met. All plantings of an annual or biennial crop are considered the same as a planting of an initial crop in tropical regions as defined in part 1437, subpart F, of this title.

(3) In cases where there is double cropped acreage, each crop may be included in the acreage only if the specific crops are approved by FSA as eligible double cropping practices.

(4) Except for insured crops, participants with double cropped acreage not meeting the criteria in paragraph (b)(3) of this section may have such acreage included in the acreage for more than one crop only if the participant submits verifiable records establishing a history of carrying out a successful double cropping practice on the specific crops for which payment is requested.

(5) Participants having multiple plantings may receive payments for each planting only if the planting meets the requirements of part 1437 of this title.

(c) For prevented planting, the provisions of parts 718 and 1437 of this title specifying what is considered prevented planting and how it must be documented and reported apply. Crops located in tropical regions are not eligible for prevented planting.

(d) For SDRP Stage 2:

(1) 2023, 2024, and 2025 crop year uninsured prevented planting acres are eligible acres if they meet all requirements of this subpart; and

(2) 2023, 2024, and 2025 crop year insured and NAP-covered prevented planting acres are not eligible acres.

(e) FSA will:

(1) Use the most accurate data available when determining planted and prevented planted acres; and

(2) Disregard acreage of a crop produced on land that is not eligible for Federal crop insurance or NAP.

(f) In cases where crops were insured by an area plan, producers must provide the eligible acreage percentage to FSA for payment. This represents the percentage of eligible acreage of eligible crops compared to the total acreage insured under the respective Area Plan. It is determined by the producer based on a comparison of RMA acres provided on the FSA-504 and total acres reported for the eligible crop on the FSA-578. This percentage excludes acres of grazed crops covered by an Annual Forage policy. This percentage will also exclude acreage that was physically located in a county in Connecticut, Hawaii, Maine, or Massachusetts.

§ 760.2215 [Amended]

■ 41. In § 760.2215, remove and reserve paragraph (d).

§ 760.2216 [Amended]

■ 42. In § 760.2216(d), remove the words “a Stage 1 payment” and add “an SDRP payment” in their place, and remove the words “under SDRP Stage 1” and add “under SDRP” in their place.

■ 43. Amend § 760.2217 as follows:

■ a. In paragraph (a), add the words “or Stage 2” after “Stage 1”; and

■ b. Add paragraph (j).

The addition reads as follows.

§ 760.2217 Miscellaneous provisions.

* * * * *

(j) To ensure that SDRP payments do not exceed available funding, all calculated Stage 1 and Stage 2 payments are multiplied by a factor of 35 percent as provided in the payment calculations in this subpart. If funding remains available after SDRP payments are issued, FSA may issue additional SDRP payments under this subpart.

■ 44. Add §§ 760.2218 through 760.2231 to read as follows:

§ 760.2218 Stage 2 payment calculation for insured crops with APH and yield-based plans.

(a) Stage 2 payments for eligible crops and units that were insured under APH or yield-based plans but not indemnified for a loss will be calculated according to this section.

(b) For the purpose of calculating payments under this section:

(1) The quality loss percentage is the percentage determined according to § 760.2209(b) and (c), subject to any adjustment by FSA based on the documentation submitted by the producer;

(2) The production is the share-adjusted producer-certified production entered on the FSA-504, subject to any adjustment by FSA based on the documentation submitted by the producer, unless share-adjusted production is pre-filled on FSA-504 and the producer does not enter producer-certified production;

(3) The price is the price used by RMA to calculate the liability; and

(4) The SDRP liability is the share-adjusted amount provided by RMA based on data already on file for Federal crop insurance purposes, which is equal to the expected crop value multiplied by the SDRP factor.

(c) To calculate the Stage 2 payment, FSA will:

(1) Determine the calculated loss by:

(i) Converting the quality loss percentage to a decimal and subtracting that amount from 1;

(ii) Multiplying the production by the result of paragraph (c)(1)(i) of this section, and then by the price; and

(iii) Subtracting the result of paragraph (c)(1)(ii) of this section from the SDRP liability specified in paragraph (b)(4) of this section;

(2) Determine the potential insured indemnity by:

(i) Dividing the SDRP liability by the SDRP factor, and multiplying the result by the producer's coverage level under the APH or yield-based plan;

(ii) Multiplying the production by the price, multiplied by the producer's price election under the APH or yield-based plan; and

(iii) Subtracting the result of paragraph (c)(2)(ii) of this section from the insured liability, which is specified in paragraph (c)(1)(i) of this section;

(3) If the amount of the calculated loss minus the potential insured indemnity is greater than zero, calculate the Stage 2 payment by:

(i) Subtracting the potential insured indemnity from the calculated loss, and adding the premium and administrative fees for the crop and unit; and

(ii) Multiplying the result of paragraph (c)(3)(i) of this section by 35 percent to stay within available funding; and

(4) If the amount of the calculated loss minus the potential insured indemnity is equal to or less than zero, determine that the Stage 2 payment amount is zero.

(d) If an applicant designates shares for SBIs on FSA-504, the payment amounts for the primary policy holder and SBIs will be multiplied by the applicable share.

§ 760.2219 Stage 2 payment calculation for insured crops with area-based plans.

(a) Stage 2 payments for eligible crops and units that were insured under area-based plans that were not indemnified for a loss or were disapproved under Stage 1 will be calculated according to this section.

(b) For the purpose of calculating payments under this section:

(1) The estimated SDRP payment is calculated by RMA in accordance with 760.2208 and provided to FSA; and

(2) The percent of eligible acres is the percentage of the total acres of the crop in the unit that are eligible for SDRP Stage 2.

(c) To calculate the Stage 2 payment, FSA will:

(1) Multiply the estimated SDRP payment by the eligible acreage percentage; and

(2) Multiply the result of paragraph (c)(1) of this section by 35 percent to remain within available funding.

(d) If an applicant designates shares for SBIs on FSA-504, the payment amounts for the primary policy holder and SBIs will be multiplied by the applicable share.

§ 760.2220 Stage 2 payment calculation for insured crops with dollar plans and other revenue plans.

(a) Stage 2 payments for eligible crops and units that were insured under a dollar plan or other revenue plans but were not indemnified for a loss will be calculated according to this section.

(b) For the purpose of calculating payments under this section:

(1) FSA will adjust the production if necessary to reflect the amount substantiated by the producer's documentation;

(2) The SDRP liability is equal to the eligible acres, multiplied by the county expected yield, multiplied by the average market price, and multiplied by the applicable SDRP factor; and

(3) The quality loss percentage is the percentage determined according to § 760.2209(b) and (c), subject to any adjustment by FSA based on documentation submitted by the producer.

(c) To calculate a Stage 2 payment for an eligible crop and unit that was insured under a dollar plan or other revenue plan, FSA will:

(1) Determine the calculated loss by:

(i) Converting the quality loss percentage to a decimal and subtracting from 1;

(ii) Multiplying the production by the result of the paragraph (c)(1)(i) of this section and then by the average market price;

(iii) Multiplying the result of paragraph (c)(1)(ii) of this section by the unharvested payment factor;

(iv) Multiplying the result of paragraph (c)(1)(iii) of this section by the producer's share; and

(v) Subtracting the result of paragraph (c)(1)(iv) of this section from the SDRP liability;

(2) Determine the potential insured indemnity by:

(i) Dividing the SDRP liability by the SDRP factor, and multiplying the result by the producer's coverage level under the dollar based or other revenue insurance plan;

(ii) Multiplying the production by the average market price;

(iii) Multiplying the result from paragraph (c)(2)(ii) of this section by the producer's price election under the dollar based or other revenue insurance plan;

(iv) Multiplying the result from paragraph (c)(2)(iii) of this section by the producer's share; and

(v) Subtracting the result of paragraph (c)(2)(iv) of this section from the insured liability, which is specified in paragraph (c)(2)(i) of this section;

(3) If the amount of the calculated loss minus the potential insured indemnity is greater than zero, determine the factored gross Stage 2 payment by:

(i) Subtracting the potential insured indemnity from the calculated loss, and adding the premiums and administrative fees for the crop and unit; and

(ii) Multiplying the result of paragraph (c)(3)(i) of this section by 35 percent to stay within available funding; and

(4) If the calculated loss minus the potential insured indemnity is equal to or less than zero, determine that the Stage 2 payment amount is zero.

(d) If an applicant designates shares for SBIs on FSA-504, the payment amounts for the primary policy holder and SBIs will be multiplied by the applicable share.

§ 760.2221 Stage 2 payment calculation for insured value loss crops.

(a) Stage 2 payments for eligible crops and units that were insured under a value loss crop plan but were not indemnified for a loss will be calculated according to this section.

(b) To calculate a Stage 2 payment for an eligible crop and unit that was insured under a value loss policy, FSA will:

(1) Determine the calculated loss by:

(i) Multiplying the dollar value before the disaster by the SDRP factor;

(ii) Subtracting the dollar value after the disaster from the result of paragraph (b)(1)(i) of this section and multiplying by the unharvested factor;

(iii) Subtracting the salvage value from the result of paragraph (b)(1)(ii) of this section; and

(iv) Multiplying the result of paragraph (b)(1)(iii) of this section by the producer's share;

(2) Determine the potential insured indemnity by:

(i) Multiplying the dollar value before the disaster by the producer's coverage level under their insurance plan, then subtracting the dollar value after the disaster, and then multiplying by the unharvested factor;

(ii) Subtracting salvage value from the result of paragraph (b)(2)(i) of this section; and

(iii) Multiplying the result of paragraph (b)(2)(ii) of this section by the producer's share;

(3) If the amount of the calculated loss minus the potential insured indemnity

is greater than zero, determine the factored gross Stage 2 payment by:

(i) Subtracting the potential insured indemnity from the calculated loss, and adding the administrative fees and premiums for the crop and unit; and

(ii) Multiplying the result of paragraph (b)(3)(i) of this section by 35 percent to stay within available funding; and

(4) If the amount of the calculated loss minus the potential insured indemnity is equal to or less than zero, determine that the payment amount is zero.

(c) If an applicant designates shares for SBIs on FSA-504, the payment amounts for the primary policy holder and SBIs will be multiplied by the applicable share.

§ 760.2222 Stage 2 payment calculation for trees, bushes, and vines.

(a) Payments for tree, bush, and vine losses will be calculated separately based on the growth stage of the trees, bushes, or vines, as determined by FSA.

(b) For the purpose of calculating payments under this section:

(1) The price is determined by FSA based on the species of tree, bush, or vine and its growth stage;

(2) The expected value of the tree, bush, or vine is determined by multiplying the total number of trees, bushes, or vines that were damaged or destroyed by a qualifying disaster event by the price;

(3) The actual value is determined by:

(i) Multiplying the number of trees, bushes, or vines damaged by a qualifying disaster event by the damage factor;

(ii) Adding the result of paragraph (b)(3)(i) of this section and the number of trees, bushes, or vines destroyed by a qualifying disaster event;

(iii) Multiplying the result of paragraph (b)(3)(ii) of this section by the price; and

(iv) Subtracting the result of paragraph (b)(3)(iii) of this section from the expected value specified in paragraph (b)(2) of this section;

(4) The SDRP liability is determined by multiplying the expected value of the tree, bush, or vine by the SDRP factor.

(c) To calculate the Stage 2 payment, FSA will:

(1) Subtract the actual value of the tree, bush, or vine from the SDRP liability;

(2) Subtract the salvage value from the result of paragraph (c)(1) of this section;

(3) Multiply the result of paragraph (c)(2) of this section by the producer's share;

(4) Add premiums and fees for insured trees or vines if the calculated loss is greater than zero; and

(5) Multiply the result of paragraph (c)(4) of this section by 35 percent to remain within available funding.

(d) FSA will adjust the number of damaged and destroyed trees, bushes, and vines used to calculate a Stage 2 payment if it determines that the number of damaged or destroyed trees, bushes, or vines certified by the participant is inaccurate.

(e) If an applicant designates shares for SBIs on FSA-504, the payment amounts for the primary policy holder and SBIs will be multiplied by the applicable share.

§ 760.2223 Stage 2 payment calculation for NAP-covered yield-based crops with an approved NAP application for payment.

(a) Stage 2 payments for eligible NAP-covered crops and units with an approved NAP application for payment with a calculated NAP payment amount of zero will be calculated according to this section.

(b) For the purpose of calculating payments under this section:

(1) The SDRP liability equals the expected crop value multiplied by the SDRP factor and uses FSA data already on file for NAP purposes;

(2) Because NAP service fees and premiums are not calculated individually by crop and unit, the service fee and premium amount used to calculate a payment under this section will be zero if the producer has already received a payment for a NAP-covered crop under Stage 1.

(c) To calculate a Stage 2 payment, FSA will:

(1) Determine the calculated loss by:

(i) Converting the quality loss percentage to a decimal and subtracting the amount from 1;

(ii) Multiplying the production by the result of paragraph (c)(1)(i) of this section, and then multiplying by the average market price; and

(iii) Multiplying the result of paragraph (c)(1)(ii) of this section by the unharvested payment factor, if applicable;

(iv) Subtracting the salvage value from the result of paragraph (c)(1)(iii) of this section;

(v) Multiplying the result of paragraph (c)(1)(iv) of this section by the producer's share; and

(vi) Subtracting the result of paragraph (c)(1)(v) of this section from the SDRP liability specified in paragraph (b)(1) of this section;

(2) If the calculated loss is greater than zero, determine the factored gross Stage 2 payment by adding the premium and service fees to the result of paragraph (c)(1) of this section, and multiply the result by 35 percent to stay within available funding; and

(3) If the calculated loss is equal to or less than zero, determine that the payment amount is zero.

§ 760.2224 Stage 2 payment calculation for NAP-covered yield-based crops without an approved NAP application for payment.

(a) Stage 2 payments for eligible NAP-covered yield-based crops and units without an approved NAP application for payment will be calculated according to this section.

(b) For the purpose of calculating payments under this section:

(1) FSA will adjust the amount of production if necessary to reflect the amount substantiated by the producer's documentation; and

(2) The SDRP liability is equal to the eligible acres, multiplied by the producer's approved yield, multiplied by the average market price, multiplied by the SDRP factor; and

(3) Because NAP service fees and premiums are not calculated individually by crop and unit, the service fee and premium amount used to calculate a payment under this section will be zero if the producer has already received a payment for a NAP-covered crop under Stage 1.

(c) To calculate the Stage 2 payment, FSA will:

(1) Determine the calculated loss by:

(i) Converting the quality loss percentage to a decimal and subtracting the amount from 1;

(ii) Multiplying the result of paragraph (c)(1)(i) of this section by the production, and then by the average market price;

(iii) Multiplying the result of paragraph (c)(1)(ii) of this section by the unharvested payment factor, if applicable, and then subtracting the salvage value from the result;

(iv) Multiplying the result of paragraph (c)(1)(iii) of this section by the producer's share; and

(v) Subtracting the result of paragraph (c)(1)(iv) of this section from the SDRP liability;

(2) Determine the potential NAP payment by:

(i) Dividing the SDRP liability by the SDRP factor, and multiplying the result by the producer's coverage level under NAP;

(ii) Multiplying the production by the average market price, and then subtracting that amount from the result of paragraph (c)(2)(i) of this section;

(iii) Multiplying the result of paragraph (c)(2)(ii) of this section by the price election under NAP, and then by the unharvested payment factor;

(iv) Subtracting the salvage value from the result of paragraph (c)(2)(iii) of this section and multiplying the result by the producer's share;

(3) If the calculated loss minus the potential NAP payment is greater than zero, determine the factored gross Stage 2 payment by:

(i) Subtracting the potential NAP payment from the calculated loss, and adding the NAP administrative fees and premiums; and

(ii) Multiplying the result of paragraph (c)(3)(i) of this section by 35 percent to stay within available funding; and

(4) If the amount of the calculated loss minus the potential NAP payment is equal to or less than zero, determine that the payment amount is zero.

§ 760.2225 Stage 2 payment calculation for NAP-covered value loss crops with an approved NAP application for payment.

(a) Stage 2 payments for eligible NAP-covered value loss crops and units with an approved NAP application for payment with a calculated payment amount of zero will be calculated according to this section.

(b) To calculate the Stage 2 payment, FSA will:

(1) Calculate the amount specified in § 760.2208(d); and

(2) Multiply the result of paragraph (b)(1) of this section by 35 percent to stay within available funding.

§ 760.2226 Stage 2 payment calculation for NAP-covered value loss crops without an approved NAP application for payment.

(a) Stage 2 payments for eligible NAP-covered value loss crops and units without an approved NAP application for payment will be calculated according to this section.

(b) To calculate the Stage 2 payment, FSA will:

(1) Determine the calculated loss by:

(i) Multiplying the dollar value before disaster by the SDRP factor;

(ii) Subtracting the dollar value after disaster from the result of paragraph (b)(1)(i) of this section; and

(iii) Multiplying the result of paragraph (b)(1)(ii) of this section by the unharvested payment factor, if applicable, and subtracting the salvage value from the result; and

(iv) Multiplying the result of paragraph (b)(1)(iii) of this section by producer's share.

(2) Determine the potential NAP payment by:

(i) Multiplying the dollar value before the disaster by the coverage level, and subtracting the dollar value after the disaster from the result;

(ii) Multiplying the result of paragraph (b)(2)(i) of this section by the unharvested payment factor, if applicable, and subtracting the salvage value from the result;

(iii) Multiplying the result of paragraph (b)(2)(ii) of this section by the price election; and

(iv) Multiplying the result of paragraph (b)(2)(iii) of this section by the producer's share.

(3) If the calculated loss in paragraph (b)(1) of this section minus the potential NAP payment in paragraph (b)(2) of this section is greater than zero, determine the factored gross Stage 2 payment by:

(i) Subtracting the potential NAP payment from the calculated payment specified in paragraph (c) of this section, and adding service fees and premiums; and

(ii) Multiplying the result of paragraph (b)(3)(i) of this section by the producer's share, and then multiplying by 35 percent to stay within available funding.

(4) If the calculated loss in paragraph (b)(1) of this section minus the potential NAP payment in paragraph (b)(2) of this section is equal to or less than zero, determine that the payment amount is zero.

§ 760.2227 Stage 2 payment calculation for uninsured yield-based crops.

(a) Stage 2 payments for yield-based uninsured eligible crops will be calculated according to this section.

(b) For the purpose of calculating payments under this section:

(1) The SDRP liability is equal to the eligible acres multiplied by the average market price, times the SDRP factor, times:

(i) 65 percent of the county expected yield for crops planted on native sod; or

(ii) 100 percent of the county expected yield for all other crops;

(2) Eligible acres are the eligible acres reported on the FSA-578; and

(3) The quality loss percentage is the percentage determined according to § 760.2209(b) and (c).

(c) A producer will provide SDRP producer-certified production on the FSA-504, and FSA may adjust the amount of production if necessary to reflect the amount substantiated by the producer's documentation.

(d) Stage factors will be used to calculate payments for crops produced with significant and variable production and harvesting expenses that are not incurred because the crop acreage was prevented planted, or planted but not harvested, as determined by FSA. The use of stage factors is based on whether the crop acreage was unharvested or prevented planted, not whether a participant actually incurs or does not incur expenses. Stage factors are generally applicable to all similarly situated participants and are not established in response to individual

participants. A crop that is intended for mechanical harvest, but subsequently grazed and not mechanically harvested, will have an unharvested payment factor applied.

(e) To calculate a Stage 2 payment for an eligible uninsured yield-based crop, FSA will:

(1) Determine the calculated loss by:

(i) Converting the quality loss percentage to a decimal and subtracting the amount from 1;

(ii) Multiplying the production specified in paragraph (c) of this section by the result of paragraph (e)(1)(i) of this section, and then multiplying by the average market price; and

(iii) Multiplying the result of paragraph (e)(1)(ii) of this section by the stage factor, if applicable, and subtracting the salvage value from the result; and

(iv) Subtracting the result of paragraph (e)(1)(iii) of this section from the SDRP liability, and then multiplying by the producer's share;

(2) If the calculated loss in paragraph (e)(1) of this section is greater than zero, determine the factored gross Stage 2 payment by multiplying the result of paragraph (e)(1) of this section by 35 percent to stay within available funding; and

(3) If the calculated loss in paragraph (e)(1) of this section is equal to or less than zero, determine that the payment amount is zero.

§ 760.2228 Stage 2 payment calculation for uninsured value loss crops.

(a) Stage 2 payments for eligible crops that were uninsured for value loss crops will be calculated according to this section.

(b) To calculate a Stage 2 payment for an uninsured eligible value loss crop and unit, FSA will:

(1) Determine the calculated loss by:

(i) Multiplying the dollar value before disaster by the SDRP factor; and

(ii) Subtracting the dollar value after disaster from the result of paragraph (b)(1)(i) of this section; and

(iii) Multiplying the result of paragraph (b)(1)(ii) of this section by the unharvested payment factor, if applicable, and subtracting the salvage value from the result, and then multiplying the result by the producer's share; and

(2) If the calculated loss in paragraph (b)(1) of this section is greater than zero, determine the factored gross Stage 2 payment by:

(i) Multiplying the result in paragraph (b)(1) of this section by 35 percent to stay within available funding; and

(3) If the calculated loss in paragraph (b)(1) of this section is equal to or less

than zero, determine that the payment amount is zero.

§ 760.2229 [Reserved]

§ 760.2230 Stage 2 payment calculation for indemnified insured crops in Puerto Rico.

(a) Payments for indemnified insured crops in Puerto Rico will be calculated according to this section.

(b) For the purpose of calculating a payment under this section:

(1) The quality loss percentage is the percentage determined according to § 760.2209(b) and (c), subject to any adjustment by FSA based on the documentation submitted by the producer;

(2) The production is the share-adjusted production that was used by RMA to calculate the indemnity and is pre-filled on the FSA-504;

(3) The price is the price provided by RMA used to calculate the liability and indemnity; and

(4) The SDRP liability is the share-adjusted amount provided by RMA based on data already on file for Federal crop insurance purposes, which is equal to the expected crop value multiplied by the SDRP factor.

(c) To calculate a Stage 2 payment for an eligible crop and unit that was insured under a production-based plan in Puerto Rico and indemnified for a loss under that plan, FSA will:

(1) Determine the calculated loss by:

(i) Converting the quality loss percentage to a decimal and subtracting from 1;

(ii) Multiplying the production by the result of paragraph (c)(1)(i) of this section, and then by the price; and

(iii) Subtracting the result of paragraph (c)(1)(ii) of this section from the SDRP liability;

(2) If the calculated loss in paragraph (c)(1)(iii) of this section minus the Federal crop insurance indemnity is greater than zero, determine the factored gross Stage 2 payment by:

(i) Subtracting the indemnity from the calculated loss, and adding the premium and administrative fees;

(ii) Multiplying the result of paragraph (c)(3)(i) of this section by 35 percent to stay within available funding; and

(3) If the calculated loss in paragraph (c)(1) of this section minus the Federal crop insurance indemnity is equal to or less than zero, determine that the payment amount is zero.

(d) If an applicant designates shares for SBIs on FSA-504, the payment amounts for the primary policy holder and SBIs will be multiplied by the applicable share.

§ 760.2231 Stage 2 payment calculation for non-indemnified insured crops in Puerto Rico.

(a) Payments for eligible insured crops in Puerto Rico that were not indemnified for a loss under the Federal crop insurance plan will be calculated according to this section.

(b) For the purpose of calculating a payment under this section:

(1) The quality loss percentage is the percentage determined according to § 760.2209(b) and (c) and is subject to any adjustment by FSA based on the documentation submitted by the producer;

(2) The production is the share-adjusted producer-certified production entered on FSA-504, subject to any adjustment by FSA based on the documentation submitted by the producer;

(3) The price is the price provided by RMA used to calculate the liability; and

(4) The SDRP liability is the share-adjusted amount provided by RMA based on data already on file for Federal

crop insurance purposes, which is equal to expected crop value multiplied by the SDRP factor.

(c) To calculate a Stage 2 payment for an eligible insured crop in Puerto Rico that was not indemnified for a loss under the Federal crop insurance plan, FSA will:

(1) Determine the calculated loss by:

(i) Converting the quality loss percentage to a decimal and subtracting from 1;

(ii) Multiplying the production by the result of paragraph (c)(1)(i) of this section, and then by the price; and

(iii) Subtracting the result of paragraph (c)(1)(ii) of this section from the SDRP liability;

(2) Determine the potential insured indemnity by:

(i) Dividing the SDRP liability by the SDRP factor, and multiplying the result by the crop's insurance coverage level;

(ii) Multiplying the production by the price, multiplied by the producer's price election under the insurance plan; and

(iii) Subtracting the result of paragraph (c)(2)(ii) of this section from the insured liability, which is specified in paragraph (c)(2)(i) of this section;

(3) If the calculated loss minus the potential insured indemnity is greater than zero, determine the factored gross Stage 2 payment by:

(i) Subtracting the potential insured indemnity from the calculated loss, and adding the premium and administrative fees;

(ii) Multiplying the result of paragraph (c)(3)(i) of this section by the producer's share, and by 35 percent to stay within available funding; and

(4) If the calculated loss in paragraph (c)(1) of this section minus the potential insured indemnity in paragraph (c)(2) of this section is equal to or less than zero, determine that the payment amount is zero.

William Beam,

Administrator, Farm Service Agency.

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